

Clyde S. Jones, Polo.
George R. Hendricks, Rutledge.
Joseph A. Davis, Waynesville.

NEBRASKA

Jesse G. Fountain, Dunning.
Bertha J. Widener, Kennard.
Oscar L. Reed, Page.
George Axen, Pilger.
Roy L. Ericson, Stromsburg.
Mabel E. Bigelow, Ulysses.
Grant S. Mears, Wayne.
Charles E. Waite, Whitman.

OREGON

Thurston V. Morgan, Cochran.

HOUSE OF REPRESENTATIVES

Monday, December 17, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James S. Montgomery, D. D., offered the following prayer:

Let all the earth keep silence before Him! Not in the fear of a sudden impulse, but in the rapture of abiding mercy, we come to Thee, our Father. The echoes of Thy promises are with us and are the consolation of humanity; by them may we be enriched and ennobled. They quicken the truest and the best in manhood; do Thou glorify Thyself in us. Help us to keep our souls unspotted by being at home with Thee. Give us strength and courage to hold on to ourselves. In our weakness sustain us, and in our need do not abandon us. Always direct us to lift up the standards that nourish and inspire human possibilities and human progress. Amen.

The Journal of the proceedings of Saturday, December 15, 1928, was read and approved.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 13990. An act to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent that on Wednesday morning after the reading of the Journal and the disposition of matters on the Speaker's table I may address the House for 40 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that on next Wednesday, at the conclusion of the reading of the Journal and disposition of matters on the Speaker's table, he may address the House for 40 minutes. Is there objection?

There was no objection.

SOME IMPLICATIONS OF THE ANNEXATION OF HAWAII

Mr. HOUSTON of Hawaii. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection to the request of the Delegate from Hawaii?

There was no objection.

Mr. HOUSTON of Hawaii. Mr. Speaker, in the Record of Saturday, December 15, on page 702 there is an article quoted that was prepared by newspaper men from the State of Minnesota with respect to farm relief, and in paragraph 5 thereof there is the following language:

Consideration of the problems arising from the fact that the Philippines, Hawaii, Porto Rico, and supervised countries, such as Haiti, San Domingo, and Nicaragua, are and will continue to be agricultural countries, tending to compete unfairly with our continental farming. Development of our inland empire we suggest to be the wiser policy.

Mr. Speaker, my purpose in rising is to see that the word "Hawaii" may be eliminated from such a program. Hawaii is not a part of the island empire. It is an integral part of the United States, part of the inland empire, and therefore the problems that apply to the mainland or the continental part of the United States apply in equal force to Hawaii. We feel that as Alaska is always recognized as part of the United States proper that the incorporated Territory of Hawaii be included also in all plans for agricultural relief. Hawaii and Alaska pay all Federal income and corporation taxes and should there-

fore receive equal treatment with the States. The island possessions do not have to pay such taxes and are therefore in a different category. In this connection, Mr. Speaker, I wish to have permission to extend my remarks by inserting extracts from an article upon the government of Hawaii prepared by Professor Leebrecht, of the University of Hawaii.

The SPEAKER. Is there objection to the request of the Delegate from Hawaii?

There was no objection.

Mr. HOUSTON of Hawaii. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

SOME IMPLICATIONS OF THE ANNEXATION OF HAWAII

The exact relationship of Hawaii to the United States of America resulting from annexation has never been clearly determined. Questions have been settled by administrative orders and practice, by judicial decisions and by congressional legislation from time to time. As problems arise they will continue to be settled in the same way and occasionally relationships now apparently settled will be reopened and adjusted. This practice has been going on continually. Recently through the Hawaiian bill of rights, passed by our legislature and recognized in part by Congress, Hawaii has gained the right to participate in certain national financial legislation on equality with the States. Other changes are needed and results may be secured by the continued presentation of the case of the Territory.

One of the more interesting questions arising out of annexation is the exact nature of our political relationship to the Federal Government. We often hear that "the ultimate destiny of Hawaii is statehood," or "it will not be long before Congress must provide some type of commission government for Hawaii because of the coming preponderance of voters of oriental ancestry." The courts in many cases have dealt with the words "incorporated" and "unincorporated" and "integral part of the United States," and have by decision and dicta said what these terms mean in relation to the cases brought before the courts. The results have not been satisfactory even to judges and attorneys, and the average citizen of Hawaii finds it impossible to understand just what the relationship is between the Territory of Hawaii and the Federal Government; sometimes we seem to be a real part of the United States and again we seem to be a stepchild.

It may be interesting, therefore, to review briefly the story of annexation in order to see what was in the minds of the two Governments at the time annexation became a fact.

In the first place, the proposition that Hawaii become a part of the United States was discussed early in the nineteenth century. The protecting arm of the United States was thrown around Hawaii as early as 1820. Time strengthened the bonds rather than weakened them, although there were times when it seemed probable that these islands might become subordinate to some other power. The general attitude of all American Secretaries of State was that the United States had a special interest in Hawaii and would not permit the kingdom to go under the control of any other power.

Annexation was first officially attempted in 1854, when a treaty with that as its object was drawn up and signed by the officials of both nations, but failed of ratification by the United States Senate because it provided for the admission of Hawaii as a State. The drafts of the treaty show that attempts were made to get Hawaiian officials, especially the King, to accept the status of a Territory, but this they refused to do.

The treaty of 1854 proposed the incorporation (of Hawaii) thereof into the Union of the United States as the means best calculated to attain these ends (security, etc.) and "perpetuate the blessings of freedom and equal rights to himself, his chiefs, and people * * * and the United States * * * actuated solely by the desire to add to their security and prosperity, * * * have determined to accomplish by treaty objects so important to their mutual and permanent welfare."

"ART. I. His Majesty * * * cedes to the United States all its territories, to be held by them in full sovereignty, subject to the same constitutional provisions as other States of the American Union."

"ART. II. The Hawaiian Islands shall be incorporated into the United States" (and states that the subjects of the Hawaiian Islands) "shall possess and forever enjoy all the rights and privileges of the citizens of the United States in terms of perfect equality in all respects with other American citizens."

It should be noted that "integral part of" and "incorporated" are here used to denote the complete admission of Hawaii as a State like the other States and that the citizens of Hawaii were to have all the rights, etc., of citizens of the States.

This treaty failed of ratification, but the project of annexation was kept alive. The United States often demonstrated its interest in and a protecting attitude toward Hawaii.

Abraham Lincoln said of Hawaii in 1864 in a letter to Eliza Allen, envoy extraordinary from the United States to Hawaii: "Its people are free and its laws, language, and religion are largely the fruit of our own teaching and example." This is a strong statement of the attitude of the United States toward the Government created by the people of

Hawaii. It certainly would not have occurred to President Lincoln to annex Hawaii and give it a less free government than it then had.

In 1875 a step nearer was taken by the two countries, a reciprocity treaty was signed that year which went into effect the following year. The United States had now taken a position from which she could hardly withdraw.

The revolution of 1893 renewed the question of annexation. Negotiations were at once opened along lines similar to those of the treaty of 1854.

President Harrison, in his message transmitting the treaty to the Senate, February 15, 1893, said:

"Only two courses are now open; one, the establishment of a protectorate by the United States, and the other annexation, full and complete. I think the latter course, which has been adopted in the treaty, will be highly promotive of the best interests of the Hawaiian people, and is the only one that will adequately secure the interests of the United States."

The treaty contained the following phrases, among others, regarding annexation:

"* * * especially in view of the desire expressed by the said government of the Hawaiian Islands, that these islands should be incorporated into the United States as an integral part thereof and under their sovereignty, in order to provide for and assure the security and prosperity of the said islands * * *"

"ART. I. The government of the Hawaiian Islands hereby cedes, * * * absolutely and without reserve to the United States forever, all rights of sovereignty * * * and henceforth said Hawaiian Islands * * * shall become and be an integral part of the territory of the United States."

"ART. III. Congress shall within one year from the exchange of the ratification of this treaty enact the necessary legislation to extend to the Hawaiian Islands the laws of the United States, respecting the duties upon imports, the internal revenue, commerce, and navigation."

These paragraphs are found in the report of the Committee on Foreign Affairs of the United States Senate, February, 1894:

"Hawaii is an American State, and is embraced in the American commercial and military system. This fact has been frequently and firmly stated by our Government, and is the ground on which is rested that peculiar and far-reaching declaration so often and so earnestly made, that the United States will not admit the right of any foreign government to acquire any interest or control in the Hawaiian Islands that is in any way prejudicial or even threatening toward the interest of the United States or her people. This is at least a moral suzerainty over Hawaii * * *"

"In the absence of a policy to establish a colonial system and of any disposition for territorial aggrandizement, the Government of the United States looked with approbation and gave encouragement to the labors and influence of their citizens in Hawaii, in laying the groundwork of a free and independent government there which, in its principles and in the distribution of powers, should be like our own and ultimately become republican in form. This has been the unconcealed wish of the people of the United States, in which many of the native Hawaiians have participated."

After his inauguration in March, 1893, President Cleveland withdrew the treaty from the Senate and made an unsuccessful attempt to restore the monarchy. The Republic of Hawaii succeeded the provisional government, to exist until annexation could be brought about. The new constitution provided that "the President, with the approval of the cabinet, is hereby expressly authorized and empowered to make a treaty of political or commercial union between the Republic of Hawaii and the United States of America, subject to the ratification of the senate."

Almost immediately after the inauguration of President McKinley in 1897 a new treaty was negotiated and signed June 16, 1897.

The treaty stated that: "Those islands should be incorporated into the United States as an integral part thereof, and under its sovereignty" (and to that end they) "have determined to accomplish by treaty an object so important to their mutual and permanent welfare."

"ART. I. * * * the Republic of Hawaii is hereby annexed to the United States of America under the name of the Territory of Hawaii."

"ART. II. The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall as soon as reasonably practicable, recommend to Congress such legislation concerning the Territory of Hawaii as they shall deem necessary and proper."

President McKinley's message to the Senate on the treaty of 1897, dated December 6, 1897, stated that:

"Hawaii has shown her ability as a sovereign contractant to enter upon a conventional union with the United States, thus realizing a purpose held by the Hawaiian people and proclaimed by successive Hawaiian Governments through some 70 years of their virtual dependence upon the benevolent protection of the United States. Under such circumstances, annexation is not a change; it is a consummation."

"What the conditions of such a union shall be, the political relation thereof to the United States, the character of the local administration,

the quality and degree of the elective franchise of the inhabitants, the extension of the Federal laws to the territory or the enactment of special laws to fit the peculiar condition thereof, the regulation if need be of the labor system therein, are all matters which the treaty has wisely relegated to Congress.

"If the treaty is confirmed, as every consideration of dignity and honor requires, the wisdom of Congress will see to it that, avoiding abrupt assimilation of elements perhaps hardly yet fitted to share in the highest franchises of citizenship, and having due regard to the geographical conditions, the most just provisions for self-rule in local matters with the largest political liberties as an integral part of our Nation will be accorded to the Hawaiians. No less is due to a people who, after nearly five years of demonstrated capacity to fulfill the obligations of self-governing statehood, come of their free will to merge their destinies in our body politic."

The first paragraph quoted above was included in the President's message of July 7, 1898, which reviewed the history of the projects of annexation. The following sentences are quoted from this message:

"The incorporation of the Hawaiian Islands into the body politic of the United States is the necessary and fitting sequel to the change of events which, from a very early period in our history, has controlled the intercourse and prescribed the associations of the United States and the Hawaiian Islands."

"* * * Annexation is not a change; it is a consummation."

"I can not doubt, when the function of the constitutional treaty-making power shall have been accomplished, the duty of the National Legislature in the case will be performed with the largest regard for the interests of this rich insular domain and for the welfare of the inhabitants thereof." This last paragraph replaces the last two in the quotation from the earlier message.

While the Hawaiian treaty was under consideration by the Senate the Spanish-American War broke out. Hawaii did everything within her power to aid the United States. The need of Hawaii to the United States became very evident. As a result Hawaii was annexed by a joint resolution of Congress approved July 7, 1898. The preamble to the resolution cited:

"Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands * * *"

The act states:

"Resolved, etc., That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof."

William R. Day, of the State Department, in a letter of instruction to the American minister in Hawaii, Mr. Sewall, on July 8, 1898, said:

"These recitals, it will be observed, are made in the language of the treaty of annexation, concluded at Washington, the 16th day of June, 1897. They, as well as the other terms of cession which have not only been agreed upon by the two Governments, but which have also been ratified by the Government of the Republic of Hawaii. The joint resolution, therefore, accepts, ratifies, and confirms on the part of the United States the cession formally agreed to and approved by the Republic of Hawaii."

"As by the adoption by the joint resolution the cession of the Hawaiian Islands and their dependencies to the United States is thus concluded, it is assumed that no further action will be necessary on the part of the Hawaiian Government, beyond the formalities of transfer. Should that government, however, desire to take any further action formally confirmatory of what has been done, no objection will be interposed on the part of the United States."

"At the ceremony when the exchange of sovereignty took place in Honolulu, August 12, 1898, Minister Sewall said: 'This joint resolution ratifies and confirms the cession formally consented to and approved by the Republic of Hawaii.' In response President Dole, for the Republic of Hawaii, replied: 'A treaty of political union having been made, and the cession formally consented to by the Republic of Hawaii having been accepted by the United States of America, I now in the interest of the Hawaiian body politic and with full confidence in the honor, justice, and friendship of the American people yield up to you as representative of the United States the sovereignty and public property of the Hawaiian Islands.'"

It is evident from these treaty stipulations and from the statements made by the Presidents of the United States and several Secretaries of State that both Nations agreed that Hawaii if annexed was to become an "integral," "incorporated" part of the United States; that the people of Hawaii had demonstrated their ability to govern themselves, and that after annexation the people would be more free, secure, and self-governing than they had been in the past. Indeed, this was one of the objects of annexation. None but a republican form of government was thought of or intended for Hawaii after annexation. To repeat what President Harrison said in 1897, "The wisdom of Congress will see to it that—the most just provisions for self-rule in local matters with the largest political liberties as an integral part of our Nation

will be accorded to the Hawaiians. No less is due to a people who, after nearly five years of demonstrated capacity to fulfill the obligations of self-governing statehood, come of their free will to merge their destinies in our body politic."

This represents the nature and the spirit of the treaty negotiated by the two independent Nations; these were the conditions under which their sovereignties were merged and which should define the relationship to the United States of the incorporated Commonwealth of Hawaii.

The Hawaiian commission, provided for in the joint resolution, met and drew up the organic act, which provided for the present liberal form of government for the Territory of Hawaii. In their report to the President they in no uncertain terms stated that the people of Hawaii were capable of self-government. Congress accepted their point of view. The report in part says:

"Much has been said to the effect that the policy or scheme of government for the Hawaiian Islands will be taken and accepted as an index or precedent to be followed in the plan of government for Porto Rico and the Philippines. In view of this apparent expectation or belief on the part of many good people in the United States, the commission deem it proper to say that the people of Hawaii are capable of self-government, and have proven this by the establishment of the Republic of Hawaii and the adoption of a constitution and code of laws which will compare favorably with those of any other government, and under such constitution and laws have maintained a stable government for several years worthy of a free people. The people of those islands are more or less familiar with the institutions and laws of the United States, while the laws of the little Republic are largely taken from the laws of this country.

"It can not be said that either the Porto Ricans or the Philippines are at all familiar with our system of government, or with any other based on the principles of liberty.

"The underlying theory of our Government is the right of self-government, and a people must be fitted for self-government before they can be trusted with the responsibilities and duties attaching to free government.

"These remarks are made to negative the idea that because the people of the Hawaiian Islands can, in the judgment of the commission, be consistently given self-government to an extent almost equal to that given the people in the States, it can be safely inferred that other insular possessions which the United States have or may acquire by treaty with Spain can be granted equal freedom in government."

In this manner it was officially decided, in accordance with the spirit of the negotiations, and in the manner provided for in the joint resolution of annexation, that the people of Hawaii were capable of self-government and a form of government was agreed upon and accepted by Congress.

On the other hand, the whole tenor of the negotiations, and of the resolution, point toward a more perfect government as conditions make it possible. This can only mean qualified statehood or full statehood some time in the future.

From the standpoint of international law when a State approaches another as an equal and voluntarily offers to cede its territory and sovereignty without price there can be no objection from other States and the two parties have a right to make any agreement they choose. The nation which becomes sovereign is morally bound by the obligations it assumed when it accepted the sovereignty of the other State to the arrangement. There is no question but that the United States understood that she was getting valuable territory, essential to her from a defense viewpoint and of economic importance, and that the population had been self-governing and expected to have at least the same freedom and democracy in government as prevailed at annexation and that the people legitimately hoped for a better government and, as conditions warranted, a more responsible position in the American Union. They had proposed annexation as a State; this they were not able to obtain, but they had no idea of accepting anything short of complete incorporation into the United States and becoming an integral part of the Union and receiving the full protection of the American Constitution. This agreement is a moral obligation upon the Government of the United States.

The joint resolution provided that the islands were to be "annexed as a part of the territory of the United States" and "subject to the sovereign dominion thereof." Just how much a part of the United States the islands became and when they were incorporated has been the subject of much speculation and of several Supreme Court decisions.

There is no question that they are incorporated now and became so either upon annexation or when the organic act went into effect in 1900. In *Hawaii v. Mankichi* (1903, 190 U. S. 197) Justice Brown held that "all provisions of the Constitution were extended to the islands." He then went on to show that there was a transitory period during which local laws rather than congressional legislation or constitutional provisions applied. (See Coudert, F. R., *The Evolution of the Doctrine of Territorial Incorporation*, especially pp. 22-51.) The spirit of the agreement has been kept.

The annexation of Hawaii by joint resolution rather than by treaty was discussed in the Senate Committee on Foreign Relations, while the treaty of annexation was under consideration, upon the precedent established in the case of the annexation of Texas and upon the ground that the Hawaiian Government, having agreed to the terms of the treaty negotiated for its annexation, Congress might legislate on the basis of such a treaty. Texas was admitted as a State. The Constitution gives authority to Congress to admit new States. It says nothing about Congress acquiring new territory. In the case of Hawaii, where no further diplomatic dealings were necessary, it would seem to be within the power of Congress to take action by joint resolution for the annexation. The power of annexation certainly lies in the National Government and the President is the proper channel for the negotiation of treaties. It is by treaty that territory is generally acquired, but this does not necessarily mean that the same result may be achieved by Congress in another manner. So when negotiations have been completed looking toward annexation there seems to be no constitutional reason why Congress can not complete the procedure by a joint resolution. The annexation of Hawaii by joint resolution of Congress was within the power of Congress, namely, to do all that is necessary or proper to carry into execution its power over foreign commerce and its power to make war and, consequently, to make proper provision for national protection, even to acquire territory for that purpose.

It is doubtful whether Congress in annexing Hawaii by joint resolution had the power to alter the terms agreed upon in the preceding treaty negotiations. Be that as it may, it is clear that Congress did not intend to make any changes because they specifically accepted the treaty and the American and Hawaiian officials understood that the act of Congress "accepts, ratifies, and confirms on the part of the United States the cession formally agreed to and approved by the Republic of Hawaii," and that therefore "no further action will be necessary on the part of the Hawaiian Government, beyond the formalities of transfer." This would not have been the case if the nature of the agreement had been changed because both parties would have to signify their acceptance to the new conditions. The United States could not peaceably annex Hawaii by her own acts without the consent of Hawaii any more than Hawaii could annex the United States in the same manner, since both were sovereign nations. The joint resolution was only equivalent to the ratification of the treaty by the Senate.

In the Constitution of the United States there is no provision expressed giving any power to Congress to acquire new territory. Power is implied under the war and treaty making provisions. In the *Dred Scott* case, Chief Justice Taney seems to have thought that the Federal Government has only the right to acquire territory to be made into States later. There is certainly no such limitation to be found in the Constitution and the Supreme Court has frequently declared that it will not examine the object for which power is exercised. Certainly, several of the territories and possessions were not acquired with the intention of making them into States. This may or may not have been the intention of Congress in annexing Hawaii by joint resolution. The treaty of 1898 is silent on this point so it is doubtful if Hawaii has a claim to statehood based on any contractual right. Yet Chief Justice Brown, in *Downes v. Bidwell* (182 U. S.), said: "Incorporation has always been a step and an important one, leading to statehood."

The power of Congress over the Territory of Hawaii has been the subject of careful study. A former colleague in the department of history and political science at the University of Hawaii, Mr. Robert Littler, in his forthcoming book on the Government of Hawaii and in his first article of a series which were printed last year by the Honolulu Star-Bulletin and later published in pamphlet form under the title *The Government of the Territory of Hawaii*, dealt with these questions at considerable length. Mr. Frederic R. Coudert, of the New York bar, in an address at the annual meeting of the Iowa Bar Association, Davenport, Iowa, June 18, 1926, spoke upon the Evolution of the Doctrine of Territorial Incorporation. This address has been printed in pamphlet form and is perhaps the most complete and recent treatment of this topic.

Dr. W. W. Willoughby in his book, *The American Constitutional System* (Century Co., New York, 1919), also treats these questions at considerable length.

It seems to be agreed that Congress in acting as the national authority to govern the Territories acts in three distinct capacities:

- (1) As a constitutional convention to set up Territorial government.
- (2) As a local legislature.
- (3) As a national legislature to pass laws effecting the entire territory of the United States.

In all these capacities Congress must act within the Constitution. In legislating for States Congress has only that power delegated to it by the Constitution; in relation to Territories it has all powers not expressly withheld from it and only has powers similar to a State legislature over citizens of a State.

(1) In setting up a government for a Territory Congress is limited only by its own discretion, since it is exercising implied power, unless there is a moral obligation arising from the agreement or treaty

made when the Territory was acquired, as there was in the case of Hawaii.

The guaranty of a republican form of government found in Article IV, section 4, of the Constitution applies only to States.

In *Binns v. U. S.* (194 U. S. 491) the Supreme Court said:

"It must be remembered that Congress, in the government of the Territories as well as of the District of Columbia, has plenary power, save as controlled by the provisions of the Constitution; that the form of government it shall establish is not prescribed and may not necessarily be the same in all Territories.

"We are accustomed to that generally adopted for Territories of a quasi State government, with executive, legislative, and judicial officers and a legislature endowed with the power of local taxation and local expenditure, but Congress is not limited to this form."

Even if we agree with this, it can still be maintained that the terms of the agreement by which Hawaii became a part of the United States were at least morally and probably legally binding upon Congress. Mr. Littler does not agree with this view. He wrote: "Congress has the same plenary power over Hawaii in respect to the form of territorial government as over all the other Territories under American sovereignty." The same writer goes on to state that he believes Congress has power to establish a "commission" form of government over the Territory. By a commission form of government he means a small appointed governing group. For reasons stated above I differ from my former colleague.

(2) As a legislative body for the individual Territories Congress has less power than when acting as a constitution-making body, but more than when it acts as a national legislature. There are certain regulations concerning personal relations included in the term "police power" which are reserved to the States and not to the Territories as against Congress.

Many disputes have arisen over the power of Congress over its national legislation effecting Territories. Mr. Coudert discussed this topic in detail in his address referred to above. The so-called insular cases are the best-known decisions upon the subject. In *Downes v. Bidwell* (182 U. S. 244) it was the opinion of five judges "that the Constitution is applicable to Congress, acting as a national legislature, effecting Territories, depending on whether a given Territory has or has not incorporated into the Union, and that Congress has certain liberties in legislating for unincorporated Territories that it does not have in passing laws for incorporated ones."

Congress, it would seem, is controlled in both cases by "those limitations which, either because they are protective of fundamental human rights which can not be transcended by any free government." Justice Brown in the case cited above gives examples of such human rights.

The class of limitations on the power Congress in relation to incorporated territories in addition to fundamental rights are in general "those which protect mere remedial rights or which, because of their wording, are clearly aimed at only the United States proper," writes Mr. Littler. He quotes Justice Brown again for examples of remedial rights—"the right to citizenship, to suffrage, and to the peculiar methods of procedure which are peculiar to Anglo-Saxon jurisprudence." Mr. Littler also includes as remedial rights trial by jury and "most of the rights enumerated in the fourth, fifth, sixth, and seventh amendments."

It thus appears that if these cases are not overruled by the Supreme Court of the United States, or nullified by other opinions which will more directly apply, that Congress does not have power to deprive the people of Hawaii of citizenship, suffrage, and "the peculiar methods of procedure which are peculiar to Anglo-Saxon jurisprudence." An appointed, not elected, "commission" form of government could not be established over Hawaii by Congress without violating these remedial and perhaps also fundamental rights which apply to Hawaii because by annexation the Republic of Hawaii became an "integral" part of the United States and thereupon or thereafter became an "incorporated" territory.

"Incorporation" has become part of our constitutional laws, and, while maintaining the doctrine of governmental powers everywhere limited, it has been sufficiently elastic to permit of a government which, while maintaining the essentials of modern civil liberty, has not attempted to impose upon new peoples certain ancient Anglo-Saxon institutions for which their history had not adapted them.

"* * * The Constitution and the flag are inseparable, but that the particular circumstances of each constituent portion of the United States must be considered before we can reply as to which clauses of the Constitution limit the Federal Government in its action regarding any particular territory." (Coudert, *supra*, pp. 74-75.)

It has been hard for Hawaii to gain recognition as an incorporated Territory because the annexation took place at the same time as the acquisition of Porto Rico and the Philippine Islands, by treaty, purchase, and conquest. There is, therefore, a popular misconception that Hawaii was acquired in the same manner. Similar ideas have often been the basis for official decisions and conduct at Washington. It is only by continuous watchfulness and education that these opinions can be changed and obtain for Hawaii her proper position in national

opinion and legislation. It is in part this same misconception which leads many of those who suggest "commission government" to think that Hawaii has no rights other than those which apply to possessions.

It is also worthy of notice that once a Territory has been incorporated into the United States the Constitution can not be withdrawn from it by Congress. (*Downes v. Bidwell*, 182 U. S. 244, and *Rasmussen v. United States*, 197 U. S. 516.)

This point is discussed by Dr. W. W. Willoughby in *The American Constitutional System*, in chapters 11, 12, 13, and 14. On pages 222-223 he says on the above decision: "If an act of legislation is required to extend the Constitution over a Territory it goes there not as a constitution but as a statute, and an irreparable statute is admitted by everyone to be an impossibility, every legislature necessarily possessing a power to repeal equal to its power to enact." This statement is debatable (*Rasmussen v. United States*, 197 U. S. 516-531).

The annexation of Hawaii, it seems, therefore implies that Hawaii became a very real part of the United States and that the people of the islands are protected by almost all the constitutional provisions which apply to citizens of the several States, and that there is little likelihood that any other than a republican form of government can or will be established here. Hawaii is also entitled to look forward to complete statehood if the people desire that position in the American Union. The question of how soon statehood should be requested merits a thorough study. The people of Hawaii are not agreed upon it, but they all desire a closer connection with and greater participation in the Federal Government.

I wish to acknowledge the assistance, criticism, and very material aid of my colleagues, Dr. K. D. Lum, Dr. Paul Bachman, Mr. Robert Littler, and the members of Social Science, especially those who lived through and participated in the stirring days of revolution and annexation, in the preparation of this paper.

K. C. LEEBRICK,
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FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLE FIELDS MEMORIAL

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the *RECORD* by printing an address delivered by President Coolidge at Fredericksburg, Va., on October 19, 1928.

THE SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLAND. Mr. Speaker, pursuant to leave this day granted to extend in the *CONGRESSIONAL RECORD* the address delivered by President Coolidge at Fredericksburg, Va., on October 19, 1928, in dedication of the Fredericksburg and Spotsylvania County Battle Fields Memorial, I insert the following:

My fellow Americans, no one who loves our country and is sufficiently interested to make even a slight examination of our history could visit this locality without feeling that he is close to great characters and great events. From early colonial times down to the present hour men who have lived and wrought in this section of Virginia have cast a mighty influence over the course of the affairs of this Nation. They have been a race who led in carving out this Republic and establishing its institutions, who believed in local self-government, and loved liberty.

The famous sons of this Commonwealth furnished the leadership for acquiring the territory which makes up the continental domain of the United States. Washington gave us the thirteen colonies, George Rogers Clark added the Northwest, Lewis and Clarke carried our jurisdiction to the Pacific, Jefferson made the Louisiana Purchase, Monroe secured Florida, Sam Houston brought in the State of Texas, Winfield Scott and Zachary Taylor won the California region. Your soldiers led the forces in the field and your statesmen directed the negotiations at the council table in bringing together that vast area stretching from the Atlantic to the Pacific which comprises our Federal Union. Their wisdom endowed our country with an empire.

But however important those achievements may be, this Nation is something vastly more than an expanse of territory. It has reached the high place which it holds in the world largely because of its institutions of government. Your devotion to their principles dates from your pioneer days. As early as 1676 Nathaniel Bacon was asserting with armed force the spirit of those rights which were to be established by the Revolution. That spirit never faltered in Virginia. It inspired the eloquent voice of Patrick Henry. It led to the decisive action of the Williamsburg Convention in May, 1776, when it unanimously resolved to instruct its delegates to the Continental Congress to declare the United Colonies free and independent States. Accordingly, it was Richard Henry Lee who moved a resolution to that effect, and Thomas Jefferson who embodied that action in the Declaration of Independence.

It was your great soldier, George Washington, who made that declaration effective. In his other capacity, as a statesman, aided by able

leaders in other colonies, but especially by Madison, he was the main influence in securing the adoption of the Federal Constitution. To make that Constitution a living, vital system of national government, Virginia contributed John Marshall, Chief Justice of the Supreme Court of the United States, who ranked as our greatest magistrate. When our Government had been established and given strength and direction under Washington, the great instrument which insured that it should forever remain dedicated to the voice of the people was again Thomas Jefferson. During the first 60 years of our Republic the presidential office was held for 36 years by Virginians. Among them was Monroe, who added to our own Declaration of Independence the doctrine against any further interference with the independence of the other countries of our Western Hemisphere.

After remembering all the contributions that were made by Adams and Hamilton and Franklin, and their Colonial associates, after giving due credit to all the inspiration and all the armed forces which came from outside the Old Dominion, it will forever remain to your glory that our territory was won, our republican institutions were put into form, and a government resting on the sovereignty of the people was permanently established under the leadership of the sons of Virginia. No other colony put more of itself into the Federal Union or had a greater influence in the early direction of its government.

But the historic interest of this locality is by no means confined to the creation and the formative years of our Republic. When the Nation became involved in the great tragedy which overtook it in 1861, the contending armies of the North and the South for long periods had opposing camps in this region where occurred some of the hardest-fought battles of the war. Near here lie the fields of Fredericksburg, of Chancellorsville, of The Wilderness, and of Spotsylvania Court House, where the heroic sons of the North and South met in mortal combat, each contending for what he thought was right as God gave him the power to see the right.

The first of these engagements occurred in December, 1862, when General Burnside, sending a force across the Rappahannock, made an attack on General Lee's position, which was well protected and amply supported by artillery. Assault after assault was made by seven divisions, the one after the other, with the greatest gallantry, only to be repulsed with the most disastrous losses. In the following May of 1863 General Hooker, then in command of the Union forces, marching upstream and crossing the Rappahannock and the Rapidan, met with such resistance at Chancellorsville that his losses were over 17,000. General Lee lost about 12,500. But among these was the ablest military leader of all his generals, Stonewall Jackson, who fell through the mistake of his own men. His loss was irreparable. Following this action General Lee led his forces north until he was turned back at Gettysburg. The next battle in this locality took place a year later, in May, 1864. General Grant was now in command of all the armies, with headquarters with General Meade, who led the Army of the Potomac.

Grant sent his army across the Rapidan at two points and the Battle of The Wilderness followed, which checked his advance. After resting a few days, Grant started the Spotsylvania campaign by attempting to turn the right flank of Lee. Three days of desperate fighting took place, in which the losses on both sides were very severe, the heaviest being around the struggle for possession of the bloody angle. It was during this battle that Grant sent his famous dispatch to Washington announcing his purpose "to fight it out on this line if it takes all summer." With the superior forces at his command, Grant began that campaign in these two battles, which he followed up until less than a year later it was all finally ended at Appomattox.

In these four important engagements Lee always had the smaller force. His being on the defensive and his brilliant leadership each time saved him from defeat. He always inflicted much the larger losses. On these four fields it has been estimated that the total number engaged on both sides was about 700,000. The entire casualties for both armies were close to 100,000 in about 10 days of actual fighting. Those who fell sleep here, near where sleeps the mother of Washington.

Because of their historic interest and their valuable military lessons, the Congress unanimously passed a bill last year, introduced by your distinguished Representative, Mr. BLAND, to make a military park and mark and preserve the important points on these battle fields. The unanimous action of the Congress and the joint participation of the people, both of the North and the South, in carrying into effect the law which it passed is another welcome demonstration in a long line of events, not only that the war is over but that reconciliation is becoming complete. The Union which this Commonwealth did so much to establish, the Union hallowed by the name of Washington, the Union which Jackson defended with a fervor no less pronounced than that of Lincoln, the Union which took a new place in the world under Wilson, is not accorded a loyalty in any other part of our Republic more devoted and sincere than that which is constantly manifest in the life of the people of Virginia.

As we look over the course of history, as we give it more and more consideration, our confidence in mankind can not but increase. The more we contemplate their actions, the more we learn of their motives,

the more we are convinced that on the whole they attempt to do the best that they can under the circumstances in which they find themselves. The progress of the race has been long and hard and toilsome, marked by many mistakes and requiring many sacrifices. It never goes forward but one step at a time. When we set up our Republic on the foundation of liberty under the law much of the best thought both of the South and the North realized that the structure was incomplete. Almost immediately 10 articles of amendments were added to the Constitution. Certain obscurities still remained, certain powers were still disputed and undefined. The question of universal freedom and of whether the Constitution provided a temporary confederation or a permanent union were sure to arise. Their decision involved a most terrible and appalling sacrifice on the part of the two great contending forces.

The main reason why we can all join in the movement to commemorate the deeds of immortal valor which marked these battle fields is because we all realize that out of a common exaltation our common country has been greatly blessed. In these advantages, as it has slowly risen from its prostration, the South has more than amply participated. Since 1900 that progress has been most marked. In the Southern States alone the wealth, the manufactured, the mineral, and the farm products, the banking resources, and the exports are of about the same value to-day that they were in the whole United States in 1900. The yearly production of the farms, the mines, and the mills exceeds \$18,000,000,000, while construction contracts run about \$1,000,000,000. If it is possible to judge anything of the importance which a people set on spiritual values, or make any estimate of their intellectual attainments by what they are expending in construction of places of worship and in the support of the public schools, some idea of the progress which the South is making is revealed by the fact that their school costs are twice as much as those of the whole country in 1900, while on the new church buildings that cost more than \$10,000 they are expending \$1,000,000 each week.

This day, however, is not to mark a local or sectional occasion. It is to mark a national occasion. The great deeds which we have recalled as among the glories of this Commonwealth were national deeds. The great questions which were at issue on these battle fields were national questions. Out of the decision to which they were finally brought there has been a common advantage and a common progress which has accrued to the whole Nation. Had the decision been otherwise, we should have all been robbed of a great part of the pride which we all feel to-day in our country. Her achievements of the past years would have been divested of much of their value and her prospects for the future would have been devoid of much of their hope. Instead of one great country enjoying domestic peace and progress, holding a commanding position in the world, we should have been a region of hostile factions, impotent at home and despised abroad. The service which we did for the cause of humanity in 1898, the world crisis in which we successfully performed our part in 1917, would all have been impossible. Long since our common heritage would have been dissipated, our glory would have departed.

The growth which our country has made since 1860 and the benefits it has brought all our inhabitants are unsurpassed. Our population, which was then about 31,500,000, has risen to about 118,000,000. Our wealth of about \$16,000,000,000 is now conservatively estimated at \$350,000,000,000. Our foreign trade of only about \$785,000,000 has now become over \$9,000,000,000. Our railroad mileage has increased from about 31,000 to about 249,000, and its revenues have grown from \$153,000,000 to \$6,250,000,000. Public-school enrollment has risen from about 5,000,000 to about 25,000,000. Our manufactured products have multiplied from less than \$2,000,000,000 to nearly \$63,000,000,000. In 1870 our farm products were less than \$2,500,000,000, while they are now around \$13,000,000,000. These figures illustrate our progress.

So great has been our enterprise and industry that with only 7 per cent of the land and 6 per cent of the population of the world we produce over 50 per cent of the grains and basic raw materials. Many different elements have contributed to this development, but they all rest on the fundamental fact that we are a large country furnishing a large market able to consume the output of mass production. This situation has encouraged the introduction of labor-saving machinery. As the wage earner became properly compensated, as he began to cost more, the incentive was increased to make him more skillful and more productive. One man can now take the seed from as much cotton as would have been done by 28,000 without the cotton gin, and he can make as much yarn as would have been produced by 45,000 women on the handwheels of colonial days.

The operation of machinery requires a supply of power. In 1869 our industries had 1.14 horsepower for each operator, who added to the raw materials furnished him less than \$680 of manufactured value in a year. By 1925 these had risen to 4.3 horsepower and \$3,200 of value. In the machinery industry this reaches about \$5,200, which is about three and one-half times the best that is done in Europe. Mechanical power has been increased until it is equivalent to the work of 3,000,000,000 additional employees in our industries,

or more than 350 helpers for each of their wage earners. The scale of labor has constantly improved in importance and compensation.

A most important influence in our national progress has been the expansion and increased efficiency of transportation. Prior to 1860 railroads were in small and detached units, built on different gauges, and freight charges were rarely less than 2 cents per ton-mile. Beginning in 1869, consolidations were effected, gauges standardized, and uniformity of operation introduced, which have gradually reduced freight charges to about 1 cent per ton-mile. Business has so much increased that passenger traffic is three times and freight six times as large as they were in 1890. There has lately been a remarkable increase in railroad efficiency. In the five years prior to 1927 the average distance traveled by a freight car was increased four-twelfths, while the proportionate consumption of coal was reduced two-twelfths, and one-twelfth more employees moved four-twelfths more of freight. The movement from producer to consumer has increased 40 per cent in rapidity. The periodic car shortages have been entirely eliminated. Goods are handled with so much care that the cost of paying for damages has been reduced 70 per cent.

Our national expenditures and authorizations for inland waterways have run into hundreds of millions of dollars. Some of this in the Mississippi Valley has already been demonstrated to be commercially profitable. The water-borne traffic on the Great Lakes has reached the enormous total of 116,000,000 tons in a single season. Plans are being made for a deep channel waterway from the Great Lakes to the sea.

Within the past 10 years one of our most remarkable improvements has been in highway construction, the expense of which has been borne in part by the States and local units of government and in part by the National Treasury. More than 72,000 miles of improved highways have been constructed, with over 222 miles of bridges, at a cost of over \$1,439,000,000, of which the Federal Government has paid \$633,000,000. On rural highways as a whole over \$1,000,000,000 is being expended annually. This movement for good roads, with the general use of the automobile, has greatly decreased the cost of the transporting of our production and given a mobility to our people that has expanded the whole horizon of life and brought beneficial results so great that they can not yet be enumerated.

In our airways commercial aviation already covers many thousand miles each day.

The great strength and soundness of our financial structure was demonstrated by the World War. Prior to that time we had been a debtor nation. During that crisis we not only furnished enormous sums to take up foreign investments here but we provided the funds for our own war expenditures, advanced nearly \$10,000,000,000 to foreign governments, and have constantly sent capital abroad until the Federal Treasury and our private investors have credits there amounting to \$25,000,000,000. When the currency system of other nations was rapidly crumbling our own remained perfectly stable and secure. The resources of our banks and our National Treasury, the strength of our Federal reserve system were so great that we not only kept our own currency on a gold basis and our own exchange at par but were able to furnish large credits to other nations to stabilize their currency and support their exchange.

These are some of the facts which indicate the progress and prosperity of the United States. While there are still some of our people who have not yet become participants to the extent of their merit in our material resources, and some lines which have fallen behind, we have striven to keep the door of opportunity open to all our inhabitants. It is true that the accumulations that are taking place would lose much of their value unless their benefits were widely distributed among the great mass of our people. We have individuals of great wealth, and shall continue to have so long as men are free and enterprise and ambition exist, but the large fortunes in this country are substantially all invested in different ways of serving the public. Some of the largest have all been transferred to charity.

The millions of our people who are investors in securities; the \$27,500,000,000 of deposits in savings institutions, which have more than doubled in nine years; the \$7,200,000,000 of assets of building and loan associations, which have more than trebled since 1919; the widespread individual ownership of homesteads; the possession of 23,000,000 motor vehicles, of which 20,000,000 are passenger cars; the general use of the telephone and radio; the constantly increasing rate of wages even when the price of commodities has been declining; and the general standard of living never before experienced by any people in human history all testify that under our free institutions and equality of opportunity the distribution of wealth is solving itself in accordance with natural laws.

These figures, which would be cold and uninteresting in themselves, when we realize that they illustrate the life and development of our country, can not fail to have a deep fascination. But those wonderful records would be of little avail if they were not accompanied by evidences of the moral power of the Nation. Education is on the increase. Our charities are lavish and world-wide. Our missionary efforts reach in every direction. Our actions in behalf of limitation of naval armaments have been of great benefit to all mankind. On

influence in negotiating the recent treaty in behalf of peace is well known. It raises the greatest barrier against war that was ever created by the art of man. In his capacity as a ranking member of the Committee on Foreign Relations the State Department had the constant counsel and cooperation of your eminent Senator, Mr. SWANSON, in these negotiations. Our progress and prosperity at home, our standing and influence abroad could never have been secured unless they rested on a solid foundation of demonstrated integrity, high character, and abiding faith.

Such are some of the outlines of the mansion in which dwell the people of the United States. It is "a house not made with hands." Into it have gone the sacrifices and prayers of many generations. While it is by no means complete, it is already the most comfortable habitation which a nation ever enjoyed. Its prevailing atmosphere is marked by progress, peace, and tranquillity. Sectional animosities have disappeared. Industrial conflicts have almost ceased. Her territorial integrity is secure. Her constitutional liberties are protected by the eternal vigilance of her people. Our country is still worthy of those who have made such great sacrifices in its behalf, still determined to improve the opportunities which those sacrifices created, still loyal to the faith of the past, still inspired by the hope of the future.

KITTY HAWK, N. C.

Mr. KERR. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KERR. Mr. Speaker, there is a notable celebration in my State to-day, at which the Nation officially pays honor to the ingenuity, the adventure, and the achievement of our pioneers of aviation, the Wright brothers. I ask unanimous consent to extend my remarks and print in the RECORD an interesting bit of history concerning the place of this celebration, written by a most intellectual gentleman of my State, Mr. Ralph Pool.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. KERR. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article from the News and Observer, Raleigh N. C., Sunday, December 16, 1928:

EASTERN BANKS HISTORY LADEN—WRIGHT BROTHERS NOT ONLY ONES WHO HELPED MAKE COUNTRY FAMOUS—ISOLATION IS SOON TO BE THING OF PAST—ROADS AND CONTEMPLATED BRIDGE WILL CARRY MOTORISTS ON HARD SURFACE TO VERY SCENE WHERE WRIGHT BROTHERS MADE THEIR FAR-REACHING EXPERIMENTS

By Ralph Pool

ELIZABETH CITY, December 15.—Nowhere, perhaps, on the Atlantic seaboard is there a region richer in historic and romantic associations than that about Kitty Hawk, midway between Cape Henry and Cape Hatteras, where an internationally distinguished assemblage will gather Monday to celebrate the silver anniversary of the Wrights' first flight.

Not alone did Kill Devil Hills, great twin dunes at Kitty Hawk, stand sponsor at the birth of aviation 25 years ago. More than three centuries before that event they saw the passage of the Walter Raleigh colonists, bent upon founding a great English empire in the New World; and perhaps, too, they witnessed the enactment of that last tragic drama of the Lost Colony, whose fate is unrecorded on the pages of history.

But a little way to the south of Kitty Hawk—possibly not more than half a mile—there lay an inlet, bordered by a deep cove, when Sir Walter Raleigh's colonists came to America in 1586-87. It was through this inlet that Capt. John White, Raleigh's colonial governor, sailed with the Lost Colony, to land on the shore of Roanoke Island, some 4 miles away. The inlet and cove are shown on the John White maps, the cove being christened Trinity Harbor; and it is recorded that the colonists stopped in Trinity Harbor for a while, to refit their sloops and to take aboard fresh water.

Many years ago old Trinity Harbor and the inlet were swallowed up by the shifting sands, though there is a current belief in the coast country that they have survived, in part, in the Fresh Ponds, some 20 small fresh-water lakes, lying immediately to the south of Kill Devil Hills. These lakes have neither inlet nor outlet, unless far in the depths of the earth, and the water is fresh and sweet, despite the fact that to the east lies the salt Atlantic and to the west is the almost equally saline Roanoke Sound.

The Fresh Ponds are peopled with black bass, several varieties of perch, and other fresh-water fish, and annually they are visited by hundreds of anglers for the excellent sport they afford.

Old Fort Raleigh, on Roanoke Island, whence the Lost Colony vanished after Capt. John White left in the late summer of 1587, to return to England for added supplies, was situated on the east shore of the island, scarce half a dozen miles from Kitty Hawk. A star-shaped mound is all that remains of the fort to-day.

Since the Raleigh attempts at colonization, though unsuccessful, paved the way for the more happily augured Jamestown colony 20 years later, it may be said that, besides witnessing the dawn of aviation, towering Kill Devil Hills saw, in fact, the beginnings of that great British domain in America, which Raleigh envisioned, and therefore the birth of the United States.

Deftly hand-wrought silver and bronze shoe buckles picked up by summer visitors in the vicinity of old Trinity Harbor recently are thought likely to attest to the short stay of the Lost Colony there. Numerous Indian arrow heads have been found there also.

Records of the early permanent settlers of the Albemarle Colony, in Northeastern North Carolina, reveal that the end of the old Indian trail extending from the mountains to the seaboard lay at the tip of the Currituck Peninsula, at what is now Point Harbor, 3 miles across Currituck Sound from Kitty Hawk. Traditions of the region relate that the Indian from the uplands made annual pilgrimages to Point Harbor, to exchange furs, grain, and other commodities for fish and other products of the coast country, especially for quantities of youpon leaves.

The youpon is a bush indigenous to the sandy beach strip on which Kitty Hawk is situated. Its dried leaves, when steeped, make an excellent substitute for tea—a substitute that was used by all classes during the dire days of the Civil War, and that still is popular. Youpon tea is credited also with medicinal properties, and legend records that the Indians visiting Point Harbor many years ago, drank huge quantities of it to cleanse themselves of fevers and other ills.

The name of the brilliant and ill-starred Aaron Burr, who almost won the Presidency of the United States, later killed Alexander Hamilton in a duel, and finally sank into utter discredit when his scheme for founding a great new empire in the Southwest collapsed, is linked inseparably with the legendry of the Kitty Hawk coast land. Burr's daughter, the beautiful Theodosia, married Governor Alston, of South Carolina, and in 1813, accompanied by her small son, she embarked from Charleston for New York aboard the small sloop *Patriot* to visit her father.

The *Patriot* never reached New York, and the fate of Theodosia Burr Alston and the others aboard is a mystery to this day. In the years that followed a small summer colony came into being at Nags Head, 3 miles south of Kill Devil Hills, patronized chiefly by the families of planters living in the Albemarle County in North Carolina. Fifty years after the disappearance of the *Patriot* Dr. William G. Pool, of Elizabeth City, N. C., while spending the summer at Nags Head with his family, was summoned to the bedside of a very old woman, a native of the coast country.

On the wall of the humble cabin, and utterly out of keeping with its surroundings, Doctor Pool was amazed to observe a painting of a beautiful young woman. Asked whence it had come, the woman told him that it was in the cabin of a richly furnished sloop that had come ashore at Nags Head many years before with not a soul aboard. The picture, she said, had been part of her husband's share of the ship's cargo, which also had included silks of surpassing richness, beautiful silverware, and other articles indicating that persons of wealth and culture had been passengers on the vessel.

Lacking money to pay for her treatment, the old woman offered Doctor Pool the picture in recompense for his services; and he eagerly accepted it, meanwhile speculating interestedly upon its origin. Some years later in the course of his reading he ran across an account of the disappearance of Theodosia Burr Alston, and being struck with the possibility of a connection between it and the old woman's story he immediately took steps to get in touch with descendants of the Burr and Alston families.

Relatives of the beautiful Theodosia later viewed the picture and declared it undoubtedly a portrait of her. The painting now hangs in a gallery in New York City. (Note.—The Metropolitan, I think.)

The very name of the resort, Nags Head, suggests tragic possibilities as to the vanishing of Theodosia Burr Alston. The region was populated in the main by castaways from ships wrecked on that stormy coast, and these were dependent largely upon the bounty of the sea that had dropped them there. They regarded the cargoes of wrecked ships as rightly theirs, and according to a legend that has persisted for nearly a century occasionally they helped old ocean lavish her gifts upon them by spurring the fates that hover over ships destined for doom.

The legend relates that on stormy nights the bankers, as the folk of the region were called, hung a ship's lantern to the head of a horse, or nag, and slowly patrolled the beach with the animal, to give the impression to passing skippers that a vessel was riding in easy harbor close inshore. Those who foolishly ventured in, it is told, swiftly struck treacherous shoals and their ships were pounded to pieces or grounded so deeply that they and their cargoes were at the mercy of the land pirates.

Some such fate, it is declared, may have befallen the lovely Theodosia, who, with her companions, may have been compelled to walk the plank so that no trace might be left of the crime. Or, on the other hand, persons familiar with the coast country explain those aboard the *Patriot* may have abandoned the ship in a storm in a vain attempt to reach shore safely in their small boats.

Coast guards now regularly patrol the length of the North Carolina banks with modern equipment for salvaging lives, and the dire toll of Diamond Shoals, off Cape Hatteras, and the rest of the perilous coast has been reduced greatly in recent years; but the mighty Atlantic in her angry moods even yet occasionally shows her contempt for man and his puny works, as occurred scarcely a year ago, when two steamers went ashore scarcely 60 miles apart in a terrific gale.

These were the Greek tanker *Paraguay*, which grounded and broke in two close by the shore within sight of Kill Devil Hills, and the Norwegian fruit steamer *Cibac*, which stranded off Hatteras Inlet, a dozen miles south of Cape Hatteras. These twin disasters occurred December 4, 1927. Coast guards, risking their own lives, went out in their boats and safely brought ashore all aboard both ships—a total of 24 seamen. The press of the Nation extolled their heroism.

Visitors at the air memorial celebration at Kitty Hawk Monday may view the wreck of the *Paraguay* if they wish by walking down the beach a mile or so from the scene of the festivities. Also, if they stroll along that once dreaded shore, they may observe the rotting skeletons of many other once gallant ships that similarly met doom there.

Kitty Hawk and Kill Devil Hills are little changed to-day from the community that Wilbur and Orville Wright chose for their experiments in aeronautics a quarter of a century ago. The community of Kitty Hawk lies in a woodland on the landward side, near the convergence of Currituck and Albemarle Sounds. The visitor finds a maze of winding sandy roadways, scarce wide enough for two automobiles to pass abreast, with here and there a neat cottage.

Some 3 or 4 miles of driving along the roadway leading to the southward brings one abruptly to a great clearing—an immense level, sandy plain, sparsely carpeted with tough sand grasses. At the southerly border of the tract loom Kill Devil Hills, the taller of which is 92 feet high. It was at the foot of this dune, with the level, unobstructed sand plain before them, that Orville and Wilbur Wright launched successfully a tiny, unstable airship on December 17, 1903, and thereby ushered in a new era in man's conquest of the forces of nature.

That isolation which was one of the attractive features of Kitty Hawk when the Wrights carried on their work there soon will have become utterly a thing of the past. North Carolina's remarkable highway system, developed in the last decade, is stretching out an arm toward Kill Devil Hills, and a concrete road already is under construction from Currituck Courthouse, present northeasternmost terminus of the hard surfacing, down to Point Harbor, nearest mainland point to Kitty Hawk.

Private interests have obtained a franchise for a highway bridge to stretch 3 miles from Point Harbor to Kitty Hawk. Approval of the War Department has been procured for the project, and bids are being considered this month for construction of the bridge, which is to be of steel, concrete, and creosoted timber. Barring eventualities it should be possible within another year for a motorist to drive in comfort and security to the scene of the first air flight and the other points on the coast land that hold hallowed place in the history and legendry of America.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

BRIDGE ACROSS MISSISSIPPI RIVER AT BATON ROUGE

The first business on the Consent Calendar was the bill (S. 2449) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

Mr. LAGUARDIA. Mr. Speaker, in order not to clutter up the calendar, I will say to the gentleman that this is to a State agency.

Mr. COCHRAN of Missouri. It does not show that in the title.

Mr. LAGUARDIA. It is the Louisiana Highway Commission, a State agency.

Mr. COCHRAN of Missouri. I withdraw the request, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, at the request of a Member I ask that the bill may go over without prejudice.

The SPEAKER. The gentleman from Texas asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

EMPLOYMENT OF LABOR ON PUBLIC WORKS OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 11141) to require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. I object, Mr. Speaker.

OSAGE INDIANS OF OKLAHOMA

The next bill on the Consent Calendar was the bill (H. R. 13407) relating to the tribal and individual affairs of the Osage Indians of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, there are provisions in this bill which may occasion some controversy. The committee will have a day very soon, and if the gentleman from Montana will agree that this may go over—

Mr. LEAVITT. I do not like to have it go over. It has the approval of the Indian Bureau and it is urged by the Osage Indians. The committee has given it a great deal of consideration, the Senate has passed it, and my judgment is that it should be passed at this time.

Mr. CRAMTON. My information is that there are some amendments that have been urged by the Council of the Osage Indians.

Mr. HOWARD of Oklahoma. Mr. Speaker, this is a measure asked for by the Osage Council. After the 1st of January the Osage Council is coming to Washington for the purpose of a conference relative to this legislation. Our committee worked on it four months in subcommittee and several days in full committee, and we would like to have the bill go through, so that when the council comes it can take it up with the Indian Committee of the Senate and work out some amendments that the Indians and department will suggest. This is a very important measure.

Mr. CRAMTON. The situation as I understand it is this: Practically this same bill is on the calendar twice—once in a Senate and once in a House bill. I do not see any occasion for passing the bill to-day if the council wishes to talk with the Senate committee when they arrive.

Mr. HOWARD of Oklahoma. I do not understand that the bill is in the Senate.

Mr. CRAMTON. The bill is on the calendar, and I shall be obliged to object.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

AMENDING AND CONSOLIDATING THE ACTS RESPECTING COPYRIGHT

The next bill on the Consent Calendar was the bill (H. R. 13452) to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended in respect of mechanical reproduction of musical compositions, and for other purposes.

The Clerk read the title of the bill.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice and retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ROAD DRAINAGE AND OTHER IMPROVEMENTS

The next business on the Consent Calendar was the bill (H. R. 10657) to authorize the assessment of levee, road drainage, and other improvement district benefits against public lands and lands heretofore owned by the United States.

The Clerk read the title of the bill.

Mr. DRIVER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

COTTON FUTURES

The next business on the Consent Calendar was the bill (H. R. 13646) for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CLARKE. I object.

FEDERAL POINT LIGHTHOUSE RESERVATION, N. C.

The next business on the Consent Calendar was the bill (S. 4302) to authorize the Secretary of Commerce to convey the

Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I have two amendments that I think should be adopted. A reversion is sometimes troublesome if the contingency happens. I suggest that on page 1, line 3, after the word "convey," there should be inserted "subject to conditions contained in section 2 of this act." On page 2, line 20, after the word "proceeding," insert "such conditions to be recited in deed or instrument of conveyance."

Mr. MERRITT. That is agreeable, and I accept the amendments.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is authorized to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., for improvement and maintenance as a memorial to commemorate the Battle of Fort Fisher. The property to be transferred under this act was conveyed to the United States by deed of April 7, 1817, from Charles B. Gause, registered in the records of New Hanover County in Book P, page 305, and is described therein as "a certain piece or parcel of land situate, lying, and being in the State of North Carolina and county of New Hanover on Federal Point near the new inlet of Cape Fear River, whereon the beacon erected by the United States now stands, to contain 1 square acre of land, the beacon being the center of said square acre," together with "the use and privilege of the most convenient and usual landing place on said point from the river and from said landing place free egress and regress over the said point of land."

SEC. 2. In the event the city of Wilmington should fail to improve or to maintain the said property in the manner contemplated by this act the Secretary of Commerce may at any time by letter addressed to its chief executive officer or officers notify the city of Wilmington that the property conveyed will revert to the United States, and if the city of Wilmington does not begin or resume the performance of such improvement or maintenance within a period of six months from the date of such notice, the said property shall, upon the expiration of such period, revert to the United States without further notice or demand or any suit or proceeding. The United States reserves the right to resume ownership, possession, and control for Government purposes of the said property so conveyed at any time and without the consent of the grantee.

The Clerk read the following amendment:

Page 1, line 3, after the word "convey" insert: "Subject to conditions contained in section 2 of this act."

Page 2, line 20, strike out the period after the word "proceeding," insert a comma and the following: "Such conditions to be recited in the deed or instrument of conveyance."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS BLACK RIVER, JONESVILLE, LA.

The next business on the Consent Calendar was the bill (H. R. 13687) authorizing H. M. Wheeler, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I call the attention of the House to these bridge bills that are coming up. Several Members, and I was one of them, served notice at the last session of Congress that all bridge bills would be carefully scrutinized. The same policy that held 50 or 60 years ago can not be followed to-day. States all over the country are spending millions of dollars for roads. This bill is typical of the kind of bill that should be objected to. While it is true that the bill provides for recapture at the end of a certain period, and also provides, if the State should take the bridge over, for amortization of the cost and a sinking fund; yet while the bridge is being operated by the permittee, under the bill there is no provision for amortizing the cost or creating a sinking fund to pay for the bridge. In other words, the permittee may operate this bridge for a period of 20 years, charging toll, and then under the provisions of the bill the community would come in and be required to pay the full value of the bridge, less depreciation. The proper method is to compel the

amortization of the cost of the bridge during the time it is being operated by the permittee. Then it may be taken by the State or community and operated as a free bridge or with slight nominal tolls to pay for maintenance. This bridge concession is getting to be too much of a good thing. It is simply ridiculous for a State to spend millions for public roads, then permit a private person to come along, get a right to build the bridge, connect two public roads, and charge exorbitant tolls; then, after 20 years of enjoying the privilege of mulcting the traveling public, to sell the bridge to the community and get all of his investment back. I object to this bill and shall object to every bill of its kind.

Mr. COCHRAN of Missouri. Mr. Speaker, I object.

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ARENTZ. Mr. Speaker, I had occasion to study somewhat this toll bridge situation. In a recent number of the American Highways Magazine, volume 9, No. 1, there appeared an article which I think Members of the House should consider. I think they should consider this whole situation before giving any more franchises to toll bridges to be constructed by private interests. The highway engineer of Kentucky has this to say in the article to which I have referred:

[From the American Highways]

TOLL BRIDGE FRANCHISES GRANTED TO PRIVATE INTERESTS

There is much confusion in the public mind on this question. In all sincerity many have indorsed the private toll bridge franchise on the theory that it is desirable to have bridges, and if the public funds are not sufficient or available, rather than do without, it is better to grant a toll franchise to private interests. This is not the issue. The real issue is much simpler—too simple, apparently—and, of course, there is widespread propaganda directed toward keeping the wrong idea in the public mind. The real question is the very simple one of whether it is sound public policy to grant the right to collect a private profit from the user of the highway. The answer ought to be a vigorous and authoritative "no." There is no place on the public highway to-day for the privately owned toll bridge.

The need for capital for highway improvement is so large that it is not only necessary but, in many States, desirable to provide large bridges through toll collections. Where this situation exists, however, it can and should be met by the public in its own interests.

The public can finance and build at lower costs, and the largest bridge undertakings in the country to-day are being financed on the basis of their earnings. Two methods are being used: First, municipal bond issues, to be retired from earnings; and, second, revenue bonds issued against the earnings, but not a municipal obligation in the sense of adding to the constitutional indebtedness.

The Port of New York Authority is engaged in building bridges of unusual size and cost. Four bridges will cost, it is estimated, \$100,000,000, and the cost will be met with the income. In this area a number of the most remarkable and most costly public works in the world are being provided without adding to the taxes on the property owner and with the profits devoted to freeing the projects from debt.

One of the projects financed on most favorable terms recently is the new Ohio River bridge at Louisville, Ky. Here is a splendid example of public financing by direct dealing with a strong financial house on the basis of a banking and not a stock-promotion project. The terms are eminently fair to the public. The city will build the bridge and completely control the whole project. Revenue bonds are issued against the earnings of the bridge and they are not a debt liability against the property of the city. The constitutionality of the contract has been passed upon favorably by the supreme court of the State, and within a reasonable time the city will own a magnificent bridge costing upward of \$6,000,000 without cost to the taxpayers.

The States of Alabama, Tennessee, Kentucky, Louisiana, Arkansas, and perhaps others have within recent months provided for the building of bridges, the costs of which are to be paid from tolls and then made free.

Private toll-bridge interests are becoming bolder and obstructing the public's business. They are attempting to defeat legislation unfavorable to themselves and are obstructing the efforts of highway departments to carry on State projects. Seventy-five Federal authorizations to build toll bridges have been granted to private interests by the present Congress. The terms of these authorizations are wholly inadequate to protect the public's interest, and bills now pending on this subject are even more favorable to the private toll-bridge promoter than existing legislation. Incidentally, the proposal is carried to turn over the fixing of values and regulation of tolls to the Interstate Commerce Commission for bridges over navigable waters and over which interstate commerce is carried.

Basically, all bridges on the main highways have become valuable property because of the construction of highways. The bridges are only a part of such highways and should be legally treated as such.

The Bureau of Public Roads made a survey of the situation, but was without legal authority and consequently could not obtain the records of costs, earnings, investments, and other essential facts from private interests. A full investigation of the toll-bridge situation is needed as a basis for remedial legislation to safeguard the public in their use of the roads and to protect the public which invests in securities. It is a field from which the shoe-string promoter should be excluded, and he will be if a thorough investigation is made.

BRIDGE ACROSS OUACHITA RIVER AT HARRISONBURG, LA.

The next business on the Consent Calendar was the bill (H. R. 13705) authorizing H. M. Wheeler, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri. Mr. Speaker, reserving the right to object I am pleased to note the interest shown by so many Members in the present policy of the Congress with respect to privately owned toll bridges. It is plainly evident no additional bills granting permission to private individuals or private corporations will be passed until the present bridge act is either amended or a substitute for existing law is favorably acted upon by Congress.

I desire to invite the attention of the Members to the American Highways Magazine delivered to our offices this morning. Some 20 pages are devoted to privately owned toll bridges. The Director of the United States Bureau of Public Roads presents an able article on the subject as does the chief engineer of the Kentucky Highway Commission. One bridge is referred to by this Kentucky official that is earning 2,100 per cent annually upon the investment due solely to the States of Kentucky, Ohio, and Tennessee expending millions of dollars in the construction of modern highways. This bridge, known as the Clay Ferry Bridge, was sold for \$4,755 in 1907 and this year over \$100,000 will be realized above expenses from tolls. An amazing situation presents itself in connection with the DeValls Bluff (Ark.) Bridge. Only last week the United States district engineer at Memphis held a public hearing demanded by indignant public officials because of excessive tolls. Testimony was submitted showing the official records of the State disclose the bridge cost \$302,111. The chief highway engineer of Arkansas testified he found an average of 5,527 motor vehicles passed over the bridge daily. The toll to tourists is \$1 a round trip, but the tickets must be used within 24 hours from date of sale. Ninety-five per cent of the tourists never use the return ticket. Round-trip tickets are sold in books of 10 for \$2.50. About 3,500 tourists use the bridge daily. This toll bridge, costing \$302,111, is shown by competent witnesses to be earning over \$1,000,000 annually. It was brought out that a straight 25-cent toll would bring annually, on the basis of present traffic, \$504,000. The toll-bridge owners appeared in opposition to a reduction in tolls.

I have maintained the promoters have issued securities far in excess of the actual cost of construction. The Kentucky engineer points out in his statement a bridge actually cost \$214,240 to construct. There was no supervision. The cost of promotion, engineering, attorney fees, and so forth, on this same bridge was \$105,441.

Until there is a general investigation of this entire subject the real facts will not be disclosed because the owners of toll bridges decline to give the information either to the United States Bureau of Public Roads or the various State highway officials. There are no provisions in the law under which they were constructed that requires them to do so.

Senator OGDIE, of Nevada, has introduced a resolution now pending in the Senate providing for an investigation by a joint committee of the House and Senate. This resolution should be passed without delay.

On Friday, December 7, I introduced a bill in the form of a substitute for the general bridge act. I also published in the RECORD on that date a synopsis of the bill. When the reports are received from the departments I propose to ask the Committee on Interstate and Foreign Commerce for a hearing.

Numerous bills have been introduced since this session convened which provided for privately owned toll bridges connecting National and State highways. None should be passed, nor none will be passed, if I can prevent it, until the present law is properly revised or a substitute for existing law is enacted.

When I first called the attention of the House to this matter I had few supporters, but I am pleased to say almost 50 per cent of the Members have advised me the present policy should be discontinued, and I hope it will be. [Applause.]

Mr. Speaker, I object to the consideration of this bill, and I will continue to object to all such bills without exception. I have no objection to the passage of any bill granting authority

to a State or any subdivision thereof for the construction of a bridge nor to a railroad constructing a railroad bridge.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. COCHRAN of Missouri. I object.

JOHN SMITHS LAKE, IDAHO

The next business on the Consent Calendar was the bill (H. R. 13144) to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the lands hereinafter described be, and the same are hereby, ceded to the State of Idaho for fish-cultural purposes, and the President is hereby authorized to execute and deliver to the State of Idaho a proper conveyance or grant of such lands for the purposes stated.

The lands hereby ceded are situate in the county of Custer, in the State of Idaho, and are more particularly described as follows, to wit:

Lot 1, section 24; lots 1, 2, 3, 4, 5, and 6, section 25, township 10 north, range 17 east, Boise meridian, containing about 192 acres, including John Smiths Lake.

With the following committee amendment:

Page 1, line 7, after the word "stated," insert "upon payment to the United States of \$1.25 per acre therefor, and with a reservation to the United States of all coal, oil, gas, and other minerals, together with the right of the United States, its grantees, or permittees to prospect for, mine, and remove the same."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF FOR GRAIN ELEVATORS

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the consideration of the joint resolution?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

Mr. BURTNES. For the day?

Mr. LAGUARDIA. Yes; but I am going to object to it eventually.

Mr. STRONG of Kansas. Would not the gentleman like to have some explanation?

Mr. LAGUARDIA. Oh, the gentleman from Kansas has been explaining this bill to me now for eight or nine months, and even his eloquence has not convinced me.

Mr. STRONG of Kansas. I thank the gentleman for the compliment, but the bill has not been pending that long.

Mr. LAGUARDIA. But the gentleman has been talking to me about it that long.

Mr. STRONG of Kansas. Oh, no; I did not know of it until six months ago.

Mr. BURTNES. If the gentleman is really taking the position that he eventually will object—

Mr. LAGUARDIA. I would be glad—

Mr. BURTNES. There is no use trying—

Mr. LAGUARDIA. I will be glad to accommodate the gentleman. It will take three objections next time.

Mr. BURTNES. If the gentleman is going to object next time, and gives notice he will object next time, it occurs to me he had better object now.

Mr. LAGUARDIA. I will be glad to do so. I object.

LANDS HELD UNDER COLOR OF TITLE

The next business on the Consent Calendar was the bill (S. 3776), to authorize the Secretary of the Interior to issue patents for lands held under color of title.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract of public land, not

exceeding 160 acres, has been held in good faith and in peaceful, adverse, possession by a citizen of the United States, his ancestors or grantors, for more than 20 years under claim or color of title, and that valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of not less than \$1.25 per acre, cause a patent to issue for such land to any such citizen: *Provided*, That where the area so held is in excess of 160 acres the Secretary may determine what particular subdivisions, not exceeding 160 acres, may be patented hereunder: *Provided further*, That coal and all other minerals contained therein are hereby reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits: *And provided further*, That no patent shall issue under the provisions of this act for any tract to which there is a conflicting claim adverse to that of the applicant, unless and until such claim shall have been finally adjudicated in favor of such applicant.

SEC. 2. That upon the filing of an application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands by the applicant or his predecessors in interest, and in such appraisal the Secretary shall consider and give full effect to the equities of any such applicant.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIVESTOCK IN CONNECTION WITH IRRIGATED LANDS IN WYOMING

The next business on the Consent Calendar was the bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the States of Wyoming, Montana, and New Mexico.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. COLTON. Mr. Speaker, I ask unanimous consent that this bill may be passed without prejudice.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I would like to ask a question. I notice this bill deals with only three States, and the Secretary of the Interior suggested to the committee that instead of the bill under consideration providing for the sale of this land that the committee substitute a bill providing for the leasing of lands in all the States where there are these irrigation projects. It seems to me that would be the better thing to do.

Mr. COLTON. I will say that this is a matter of tremendous importance. The Public Lands Committee is working on that very problem now, and there is a bill in reference to grazing upon the public domain pending, and we want to consider it in connection with this bill and take time to go over the whole question.

The SPEAKER. Is there objection to the request of the gentleman from Utah? [After a pause.] The Chair hears none.

DIVERSION OF THE WATERS OF THE NORTH PLATTE

The next business on the Consent Calendar was the bill (H. R. 13420) to provide for the storage and diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SIMMONS. Mr. Speaker, I object.

DIVERSION OF THE WATERS OF THE NORTH PLATTE RIVER AND CONSTRUCTION OF RECLAMATION PROJECT

The next business on the Consent Calendar was the bill (H. R. 13421) to provide for the storage and diversion of the waters of the North Platte River and construction of the Saratoga reclamation project.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SIMMONS. Mr. Speaker, I object.

APPORTIONMENT OF WATER TO THE CIMARRON RIVER

The next business on the Consent Calendar was the bill (H. R. 6496) granting the consent of Congress to a compact or agreement between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, a certain amendment to this bill was presented at the last session which I shall expect to offer if consent is given for the consideration of the bill.

Mr. HASTINGS. What is the amendment?

Mr. CRAMTON. I will read it if the gentleman desires.

When the bill was up on the calendar the last session this matter was suggested at that time, agreeable to the gentleman from New Mexico [Mr. MORROW], and the amendment was to this effect:

Other than the compensation and expenses of such representative, the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigation for the Bureau of Reclamation.

Mr. HASTINGS. I think there will be no objection on the part of the Representatives from Oklahoma and New Mexico. It only applies to two States.

Mr. CRAMTON. There are several bills of a similar character, and I hope to have the same amendment adopted as to each of them.

Mr. JOHNSON of Texas. I see that this affects the Rio Grande. This is in Mr. HUDSPETH's district, and—

Mr. HASTINGS. It does not affect the Rio Grande—only the Cimarron.

Mr. GILBERT. Mr. Speaker, I would like to ask the gentleman from New Mexico a question. I see he has reported several of these bills. I am opposed to increasing the tillable area of lands in the United States. Will this bill do that?

Mr. MORROW. It will affect the water applying to the States. The water will be protected by a compact between the States using it. It has nothing to do with the development of any immediate land for the purpose of crop production.

Mr. GILBERT. The latter part of the gentleman's explanation answers my question.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Be it enacted, etc., That the consent of Congress is hereby given to the States of New Mexico and Oklahoma to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Cimarron River and of the streams tributary thereto and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Does the gentleman from Michigan desire to offer an amendment?

Mr. CRAMTON. Yes. I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 2, line 6, after the word "into," insert the following: "Other than the compensation and expenses of such representatives, the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation."

Mr. LAGUARDIA. May I ask the gentleman, What is that compact? Does that necessitate the compact going back for legislation?

Mr. CRAMTON. This is not a compact between the States. This is a consent given to them to negotiate a compact. Now, in the negotiation it is expedient to have the representative of the Bureau of Reclamation cooperate with them. Without this no money would be available for that purpose.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

APPORTIONMENT OF WATERS OF THE RIO GRANDE, PECOS, AND CANADIAN OR RED RIVERS

The next business on the Consent Calendar was the bill (H. R. 6497) granting the consent of Congress to compacts or agreements between the States of New Mexico and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of New Mexico and Texas to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Rio Grande, Pecos, and Canadian or Red Rivers, and of the streams tributary thereto, and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 6, after the word "into," insert the following: "Other than the compensation and expenses of such representative the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation."

The SPEAKER. The question is on agreeing to the amendment.

Mr. HASTINGS. Mr. Speaker, I would like to ask the author of the bill why Oklahoma was not included in the bill, inasmuch as the Red River or Canadian River affects Oklahoma as well as New Mexico and Texas?

Mr. MORROW. I suppose it is because it is not intended by Oklahoma to use it for irrigation.

Mr. HASTINGS. I do not think it would do any harm. It might come in as a matter of flood control. I would not care if the gentleman from New Mexico would offer an amendment including Oklahoma. I do not have the bill before me.

Mr. LAGUARDIA. Mr. Speaker, I can not hear the gentleman from Oklahoma.

Mr. HASTINGS. Mr. Speaker, after line 4, on page 1, after the word "Mexico," I offer an amendment to insert a comma and the word "Oklahoma."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Line 4, page 1, after the word "Mexico," insert a comma and the word "Oklahoma."

Mr. HASTINGS. And amend the title.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

The SPEAKER. The Clerk will report the next bill.

APPORTIONMENT OF WATERS OF THE RIO GRANDE, SAN JUAN, AND LAS ANIMAS RIVERS

The next business on the Consent Calendar was the bill (H. R. 6498) granting the consent of Congress to compacts or agreements between the States of New Mexico and Colorado with respect to the division and apportionment of the waters

of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MORROW. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

APPORTIONMENT OF WATERS OF THE GILA AND SAN FRANCISCO RIVERS

The next business on the Consent Calendar was the bill (H. R. 6499) granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of New Mexico and Arizona to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Gila and San Francisco Rivers and of the streams tributary thereto and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. CRAMTON. Mr. Speaker, I offer an amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 6, after the word "into" insert the following: "Other than the compensation and expenses of such representative the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

APPORTIONMENT OF THE WATERS OF THE RIO GRANDE, SAN JUAN, AND LAS ANIMAS RIVERS

The next business on the Consent Calendar was the bill (H. R. 7024) granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Colorado and New Mexico to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Rio Grande, San Juan, and Las Animas Rivers and of the streams tributary thereto and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make

report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

Mr. CRAMTON. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 2, line 6, after the word "into," insert the following: "Other than the compensation and expenses of such representative, the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF COLORADO AND KANSAS

The next business on the Consent Calendar was the bill (H. R. 7025) granting the consent of Congress to compacts or agreements between the States of Colorado and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Colorado and Kansas to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Arkansas River and of the streams tributary thereto and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 6, after the word "into," insert the following: "Other than the compensation and expenses of such representative, the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation."

The amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, I offer an amendment: On page 1, line 4, after the word "Colorado," insert a comma and the word "Oklahoma."

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 1, line 4, after the word "Colorado," insert a comma and the word "Oklahoma."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF COLORADO AND WYOMING

The next business on the Consent Calendar was the bill (H. R. 7026) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that this bill and the next bill on the calendar be passed over without prejudice but retain their places on the calendar.

The SPEAKER. The gentleman from Colorado asks unanimous consent that this bill and the one following may be passed over without prejudice but retain their places on the calendar. Is there objection?

There was no objection.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF COLORADO AND UTAH

The next business on the Consent Calendar was the bill (H. R. 7028) granting the consent of Congress to compacts or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers and all other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LEATHERWOOD. Mr. Speaker, paragraph 2 of this bill is objectionable to the State of Utah. I have had a consultation with the gentleman from Colorado [Mr. TAYLOR], the author of the bill, and he has agreed that the same may be stricken out. If he consents to that, I have no objection to the consideration of the bill.

Mr. TAYLOR of Colorado. I have no objection.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, the paragraph to which I would offer an amendment is to be stricken out. Before I give consent to the consideration of the bill I would like to have a chance to see the effect of the gentleman's amendment. As I understand it, the gentleman from Utah wants the bill amended so that no representative of the Federal Government would take part in the negotiations.

Mr. LEATHERWOOD. I propose to strike out paragraph 2.

Mr. CRAMTON. Well, could the gentleman advise me as to the effect of that?

Mr. LEATHERWOOD. Mr. Speaker, the effect would simply be this: Under the Constitution and the law it is not necessary for States to come to Congress and get consent in advance to enter into such agreements or compacts. However, the custom is that they usually do ask for the consent of Congress in advance. In any event, after a compact or agreement has been reached by and between the States they must then have a ratification by Congress. We feel that the sovereign States of Colorado and Utah are capable of conducting this negotiation and entering into this compact without any third party sitting in. We realize that if we need any information it will be the duty of the Secretary of the Interior to inform us or to give us that information, but we feel we are perfectly competent to reach an agreement without any interference by a third party. That is our position exactly.

Mr. CRAMTON. Mr. Speaker, if the gentleman's statement is entirely correct, there is no occasion whatever for the passage of the bill at all, because he says they already have the authority provided in the bill. Therefore I object.

Mr. LEATHERWOOD. I join in the objection.

Mr. TAYLOR of Colorado. Will the gentleman from Michigan withhold his objection for a moment?

Mr. CRAMTON. Yes.

Mr. TAYLOR of Colorado. Mr. Speaker, these five bills came up, as you know, last session, and the gentleman from Utah reserved the right to object and I asked that the bills be passed over until this time. There are some five or six large streams that run from Colorado into Utah, and I feel that I can not pass a bill affecting the two States, one as much as the other, with the opposition of the Representatives from one of the States. However, we have had so much litigation between some of these Western States, if Colorado and Utah could get together between themselves, even with section 2 out of the bill, and agree upon what their respective claims should be in those streams, it would be better to have that much and avoid if possible that much litigation rather than not to have any compact at all. These bills simply give the consent of Congress to these States to get together and agree on an apportionment

of the waters of these streams that run from one State into another, and avoid litigation and the retarding of development and strife between the people of those States.

Mr. CRAMTON. If my friend from Colorado will yield, let me suggest that the bill as proposed by the gentleman from Utah [Mr. LEATHERWOOD] means that these two States could get together without consultation with the Federal Government, without any showing of the interests of the Federal Government or possibly its wards, the Indians, and make an agreement and that compact comes to the Congress for approval. The Congress then can only approve or disapprove of it. I believe before we get to that stage there should be a presentation and a protection of the interests of the Federal Government, if any, in such negotiations, and that is what the bill as introduced and as reported by the committee provides.

The gentleman from Colorado [Mr. TAYLOR] knows that the Federal Government is responsible for the protection of the interests of its wards, the Indians, and they are often interested in this matter of the division of waters. The two States of Utah and Colorado could get together and divide everything that belongs to them, and possibly something that does not, and then come to the Congress and give no opportunity to the Congress except to accept the compact as a whole or to disapprove of it, and I believe that is not good practice.

I think these two States can get along just as well as other States with a representative of the Government sitting in their conferences, assisting with any information he has, and then reporting to the Congress the results of the conferences.

Mr. TAYLOR of Colorado. Will not the gentleman permit the bill to retain its place on the calendar for further consideration?

Mr. CRAMTON. Yes; I think it ought to stay on the calendar and ought to be passed as reported.

Mr. TAYLOR of Colorado. I think so, too, but my colleague from Utah over there does not think so. Out of deference to both of you gentlemen I will ask that the bill go over without prejudice and retain its place on the calendar, if the gentleman is going to object.

The SPEAKER. The Chair understands the gentleman from Colorado to ask that the bill be passed over without prejudice.

Mr. TAYLOR of Colorado. And retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CARE OF INSANE CITIZENS OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 170) to provide for the care of certain insane citizens of the Territory of Alaska.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, at the request of the gentleman from Washington [Mr. JOHNSON] I ask unanimous consent that this bill may be passed over without prejudice, retaining its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ADDITIONAL JUSTICE FOR THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 13116) to provide an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the Senate bill, S. 4127, may be substituted for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the President, with the advice and consent of the Senate, shall appoint an additional justice of the Supreme Court of the District of Columbia, who shall have the same tenure of office, pay and emoluments, powers, and duties as the present justices of that court. It shall be a duty of the Chief Justice of the Supreme Court of the District of Columbia to appoint from time to time, and for such period or periods as he may determine, one of the judges of the said Supreme Court of the District of Columbia to hear cases involving the condemnation of land in the District of Columbia, and it shall be the primary duty of such judge so appointed to preside at the hearing of

such cases involving the condemnation of land in the District of Columbia, and that only when not engaged in such cases shall he be subject to assignment to the other business of the court. The chief justice may assign for service in condemnation cases any justice of said court in case of disability of the justice so serving or for any other reason.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

The next business on the Consent Calendar was the bill (S. 3116) providing for half holidays for certain Government employees.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas and Mr. WOOD objected.

CHIPPEWA INDIANS OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 12414) authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EMPLOYEES OF THE PUBLIC-SCHOOL SYSTEM OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 12531) to exempt the public-school system of the District of Columbia from the \$2,000 salary limitation provision of the legislative, executive, and judicial appropriation act, approved May 10, 1916, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object, Mr. Speaker.

DEGREE-CONFERRING INSTITUTIONS

The next business on the Consent Calendar was the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I have an amendment which should be offered.

Mr. NELSON of Wisconsin. Mr. Speaker, this is a very important bill and should be given careful consideration, and I therefore object to its being considered on the Consent Calendar.

RIGHTS IN LAND FOR PARK PURPOSES AND LEASE OF BUILDINGS ON PARK LAND IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 4126) authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances.

The Clerk read the title of the bill.

The SPEAKER. Is there objection.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the general purpose of the bill is not objectionable, but one can readily see that it is possible to establish a business and get a suitable park all around that business. It occurred to me that there should be an amendment on page 2, line 5, after the word "grantor" by inserting "except for business purposes."

Mr. ZIHLMAN. I have no objection to that.

Mr. COOPER of Wisconsin. Reserving the right to object, I would like to ask the gentleman from Maryland if, in line 5, page 3, after the word "lease," there ought not to be inserted "subject to the approval of the said commission"? This allows him to renew the lease himself.

Mr. ZIHLMAN. In section 2, line 2, it says:

The Director of Public Buildings and Public Parks of the National Capital is authorized, subject to the approval of the National Capital Park and Planning Commission, to lease for a term of not exceeding five years—

And so forth.

Mr. COOPER of Wisconsin. "And to renew said lease for an additional term not exceeding five years."

Mr. ZIHLMAN. I have no objection to that. I am sure the Park Commission would not object to that. I might say to the gentleman from New York that the Park Commission have had several opportunities to have land dedicated for park purposes, the owners not caring to give up the title, but they could not accept it. They were unable to accept it, and this bill is to give them the power.

Mr. BLACK of Texas. Reserving the right to object, the Director of the Budget in a letter dated April 12 says:

BUREAU OF THE BUDGET,

Washington, April 12, 1928.

Lieut. Col. U. S. GRANT, 3d,

Executive and Disbursing Officer,

National Capital Park and Planning Commission,

Washington, D. C.

DEAR COLONEL GRANT: Under date of January 20, 1928, you were advised that the draft of proposed legislation which you transmitted to this office on November 25, 1927, to authorize your commission to acquire future estates and rights in land, and to lease land or buildings for limited periods in certain cases, was in conflict with the financial program of the President.

With respect to the draft of proposed legislation which accompanied your letter of April 10, 1928, however, relative to the same subject matter, you are advised that this proposed legislation would not be in conflict with the financial program of the President if the words "future estates and" were stricken from the title of the draft.

Very truly yours,

H. M. LORD, Director.

Does this bill grant any authorization to purchase estates in futurity—where the title is vested in the future?

Mr. ZIHLMAN. I do not so understand it; I may be in error. The National Park and Planning Commission have the power to acquire lands for park purposes, but they have no power to lease lands, and that is the object of this bill.

Mr. BLACK of Texas. In reading the bill I think the objection of the Director of the Budget has been removed. I do not see anything in this bill that would permit them to purchase land on some future contingency.

Mr. ZIHLMAN. I do not so understand it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the authority of the National Capital Park and Planning Commission, established by the act approved April 30, 1926 (Stat. L., vol. 44, p. 374), is hereby enlarged as follows:

Said commission is hereby authorized to acquire, for and in behalf of the United States of America, by gift, devise, purchase, or condemnation, in accordance with the provisions of the act of June 6, 1924 (Stat. L., vol. 43, p. 463), as amended by the act of April 30, 1926 (Stat. L., vol. 44, p. 374), (1) fee title to land subject to limited rights reserved to the grantor: *Provided*, That such reservation of rights shall not continue beyond the life or lives of the grantor or grantors of the fee: *Provided further*, That in the opinion of said commission the permanent public park purposes for which control over said land is needed are not essentially impaired by said reserved rights and that there is a substantial saving in cost by acquiring said land subject to said limited rights as compared with the cost of acquiring unencumbered title thereto; (2) permanent rights in land adjoining park property sufficient to prevent the use of said land in certain specified ways which would essentially impair the value of the park property for its purposes: *Provided*, That in the opinion of said commission the protection and maintenance of the essential public values of said park can thus be secured more economically than by acquiring said land in fee or by other available means: *Provided further*, That all contracts for acquisition of land subject to such limited rights reserved to the grantor and for acquisition of such limited permanent rights in land shall be subject to the approval of the President of the United States.

SEC. 2. The Director of Public Buildings and Public Parks of the National Capital is authorized, subject to the approval of the National Capital Park and Planning Commission, to lease, for a term not exceeding five years, and to renew such lease for an additional term not exceeding five years, pending need for their immediate use in other ways by the public, and on such terms as the director shall determine, land or any existing building or structure on land acquired for park, parkway, or playground purposes.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 2, line 5, after the word "rights," insert the words "but not for business purposes."

The amendment was agreed to.
The Clerk read as follows:

Amendment by Mr. LaGUARDIA: Page 3, line 5, after the word "lease," insert the words "subject to such approval."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PERSONAL LIABILITY OF MEMBERS OF BOARD OF EDUCATION

The next business on the Consent Calendar was the bill (H. R. 12530) to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. It occurs to me that this bill is useless. The present law does not make the school-board members personally liable for official acts; and in no State is there any law that makes a public official liable for official acts performed in good faith, however improper they may be. What is the use of passing this bill just to satisfy some real-estate manipulator as to the title to one piece of property belonging to one member of the school board that happens to be in jeopardy, as he imagines?

Mr. ZIHLMAN. We are advised by the Commissioners of the District of Columbia that in several instances judgments carrying costs have been rendered against members of the school board in actions brought against them in respect to official acts.

Mr. BLANTON. If you sue a man and he does not have proper legal counsel and does not make a proper defense, improper judgments are sometimes rendered in courts, but they ought to have counsel, and they have plenty of counsel here in the District to represent them, and if the law is presented to the court, no judgment could be rendered against them personally.

Mr. LaGUARDIA. Oh, yes; it could under existing law.

Mr. BLANTON. There is no such law that authorizes a personal judgment against an official for an official act unless it is malicious. Is there any such law in the State of New York?

Mr. LaGUARDIA. Yes. I have had some experience with that. There are some cases still pending against me and some of my colleagues for official acts while on the Board of Estimate and Apportionment of New York City.

Mr. BLANTON. Where the acts are committed in good faith—

Mr. LaGUARDIA. Yes; in good faith.

Mr. BLANTON. Of course, there could be malicious acts performed by officials that would make them personally liable, but where there is no malice, where it is merely want of good judgment, then I know of no law in any State which would permit a personal judgment against an official for the performance in good faith of an official act.

Mr. LaGUARDIA. As I understand the law, if a judgment is obtained against the Board of Education, of course the District of Columbia pays for it.

Mr. BLANTON. Yes; of course it does, and always has.

Mr. LaGUARDIA. But, in the meantime, the judgment is of record, pending appeal, or something of that kind, and that is a cloud on the title to the property of the individual members.

Mr. BLANTON. I will tell why they want this change. There have been some acts performed that were in a way malicious. They are trying to relieve themselves of all responsibility so that they can do just exactly what they please.

Mr. LaGUARDIA. This bill does not relieve them of responsibility for malicious acts.

Mr. BLANTON. It would deter people who had had their rights abused from bringing suits against them. Mr. Speaker, for the present I object.

VAGRANCY IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 7911) to define and punish vagrancy in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object.

RETIREMENT OF EMPLOYEES IN THE CLASSIFIED CIVIL SERVICE

The next business on the Consent Calendar was the bill (H. R. 13565) to amend the act entitled "An act for the retirement of

employees in the classified civil service, and for other purposes," approved July 3, 1926.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926, is hereby amended by adding a fourth paragraph to section 2 of said act, as follows:

"In all cases where an employee otherwise eligible for continuance has been retained beyond retirement age without prior authority the Civil Service Commission may issue certificate of continuance legalizing the service of such employee and authorizing his further continuance as provided in paragraph 1 of this section, upon being satisfied that the retention was due to erroneous or incomplete records of age or service or to faulty administration on the part of the department or office concerned and not to any attempt or desire by the employee to deceive for the purpose of defeating any provision of this act."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FEDERAL FARM LOAN ACT

The next business on the Consent Calendar was the bill (H. R. 14000) to amend section 29 of the Federal farm loan act, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object.

ORGANIC ACT OF PORTO RICO

The next business on the Consent Calendar was the bill (H. R. 7010) to amend the organic act of Porto Rico, approved March 2, 1917.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the proviso contained in section 35 of an act entitled "An act to provide a government for Porto Rico, and for other purposes," approved March 2, 1917, be, and the same is hereby, amended to read as follows: *Provided*, That no property qualifications shall ever be imposed upon or required of any voter: *And provided further*, That the right to vote shall not be denied or abridged on account of sex.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RANK, PAY, AND ALLOWANCES OF PERSONAL PHYSICIAN TO THE PRESIDENT

The next business on the Consent Calendar was the bill (H. R. 13784) allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, we passed a bill last session giving the rank of admiral to a doctor. Are we going to surround him with admirals and colonels?

Mr. WAINWRIGHT. Mr. Speaker, it has always been considered the privilege of the President to appoint an officer of the Army and Navy whom he desired—

Mr. BLANTON. On that point—

Mr. WAINWRIGHT. I prefer not to yield until I have finished a very brief explanation. President Coolidge appointed a Major Coupal. At the last session we passed a bill allowing that officer the pay and allowance of a colonel, as a man in that position has certain expenses, certain obligations resting upon him which he has to meet and which are very onerous for a man who has that rank and pay.

Now, the Committee on Military Affairs concluded in the consideration of this bill that it was advisable, under the privilege the President exercises, to provide that where an officer is appointed with a lower rank than colonel, to obviate the coming to Congress for future special legislation of the kind, and if the next President wants to appoint somebody of less

rank than colonel, that there should be general legislation of this kind, and therefore—

Mr. SCHAFER. Will the gentleman yield?

Mr. WAINWRIGHT. I yield to the gentleman from Texas.

Mr. BLANTON. I want to ask the gentleman a question. As the gentleman well knows in times past, President Harding brought the poor old grandfather physician here from his local town and made him a brigadier general.

Mr. WAINWRIGHT. That was a different matter.

Mr. BLANTON. It is not; because any President can do what President Harding did, the gentleman's own President, and the President elect (Mr. Herbert Hoover) can do the same thing.

Mr. JAMES. Under this bill they have to take him from the Army.

Mr. BLANTON. No; they can take him from anywhere, place him in the Medical Corps of the Army as a lieutenant, and then make him a general.

Mr. JAMES. He would have to be an officer of the Medical Corps.

Mr. BLANTON. He could first put him in and then raise him. I object.

INTERNATIONAL JURIDICAL CONGRESS ON WIRELESS TELEGRAPHY

The next business on the Consent Calendar was H. J. Res. 316, authorizing an appropriation in the sum of \$12,350 to pay for the expenditures involved in the participation by the United States in the International Juridical Congress on Wireless Telegraphy to be held at Rome in 1928.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this convention was held. Now, what we want to know is whether the delegation was sent over there contrary to the law, especially when the State Department is so sensitive about Congress encroaching upon their prerogative as to foreign affairs? Now, this convention took place last summer, and if a delegation was sent over without authority of Congress we ought to know.

Mr. COLE of Iowa. Is the gentleman sure the convention has been held?

Mr. LAGUARDIA. I only know what is in the bill where it says in 1928, and if it is going to be held in the next few days—

Mr. COLE of Iowa. The chairman of the Committee on Foreign Affairs [Mr. PORTER] is absent, and he gave me no further information.

Mr. BLANTON. After these gentlemen have had their nice travel and summer trip abroad they do not want us to make them pay their own expenses.

Mr. LAGUARDIA. Well, I think it very wholesome that the executive department—

Mr. BLANTON. I think the gentleman ought to object.

Mr. LAGUARDIA. I am going to.

Mr. COLE of Iowa. This is not a pleasure trip. It is an important international conference.

Mr. LAGUARDIA. The question is whether the State Department sent out these delegations without authority of Congress. The head of the State Department is especially jealous of his rights in regard to department affairs.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

INTERNATIONAL TELEGRAPH CONFERENCE

The next business on the Consent Calendar was the resolution (H. J. Res. 317) authorizing an appropriation in the sum of \$19,800 to pay for the expenditures involved in the participation by the United States in the international telegraph conference to be held at Brussels in 1928.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, I make the same objection to this as to the preceding measure.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The next business on the Consent Calendar was the bill (H. R. 13345) to amend section 4826 of the Revised Statutes of the United States, as amended.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

Mr. SCHAFER. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. CRAMTON. I will reserve it.

Mr. SCHAFER. Mr. Speaker, we have 11 National Homes for Disabled Volunteer Soldiers. I think it is a good policy from the veterans' standpoint for each State having one of these branch homes to have a representative on the board of managers, so that the interests of that home may be properly taken care of. The expenses involved are very trivial.

Mr. CRAMTON. At the present time, Mr. Speaker, I understand that there is under consideration legislation proposing a change in the system of management of these homes and a consolidation with the activities of the Veterans' Bureau. Until that is done it seems undesirable to appoint more of these officials.

Mr. SCHAFER. That may be a long time.

Mr. CRAMTON. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

ADDITIONAL LAND OFFICES IN MONTANA, OREGON, SOUTH DAKOTA, IDAHO, NEW MEXICO, COLORADO, AND NEVADA

The next business on the Consent Calendar was the bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

MAMMOTH CAVE NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 13694) to authorize the Secretary of the Treasury to prepare and strike a medal, with appropriate emblems, devices, and inscriptions thereon, commemorative of the enactment of the act of Congress, approved by the President on May 25, 1926, providing for the establishment, in the State of Kentucky, of the Mammoth Cave National Park.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

The SPEAKER pro tempore. The gentleman from Michigan objects. The Clerk will report the next bill.

Mr. THATCHER. Mr. Speaker, will the gentleman from Michigan withhold a moment?

Mr. CRAMTON. Yes. But there is no bill on the calendar against which I have more objections than this. This bill is without excuse. I will withhold my objection if the gentleman wants to discuss it.

Mr. THATCHER. The people of the State of Kentucky have made up, by subscriptions and in donations of property, about one and a quarter million dollars toward the acquisition of the land embracing the Mammoth Cave project. In order to facilitate or aid in the raising of further funds it would be a help to us if we could have a medal struck in the manner provided in this bill. It will cost the Government nothing. It will involve the Government in no expense whatever, and these medals will be sold and the proceeds utilized in the prosecution of this project.

Mr. LAGUARDIA. Will the mint be able to strike these medals without cost?

Mr. THATCHER. We have to pay the cost of them. The arrangement proposed is perfectly satisfactory to the mint officials.

Mr. LAGUARDIA. Under the law, as I understand, the association would have no power to do it. They can only devise a plan.

Mr. CRAMTON. Mr. Speaker, if the gentleman will permit, my information is that the Mammoth Cave in Kentucky is not of national-park caliber. In the act for the Great Smoky and Shenandoah Parks the Mammoth Cave was forced into the bill. They have not been able to raise the money after forcing this cave into the situation, and now they seek to have the Congress of the United States authorize them to peddle medals around the country in order to put into the park system something that is not of a national park standard, and I object.

Mr. THATCHER. It is of a national park status, and the committee appointed under authority of Congress, headed by the gentleman from Pennsylvania [Mr. TEMPLE], recommended it as a national park enterprise, and, based on that report, it was included in an act, and the act was signed by the President.

Every school child in the country knows of the great Mammoth Cave region.

Mr. CRAMTON. It is now traveling on its reputation. Its walls are begrimed with the smoke coming from torches carried by visitors for many years. The cave has not been properly cared for. As to the Great Smokies and the Shenandoah, one has been financed without any such catchpenny scheme and the other is about to be financed. I do not believe we should give any preference in requirements to the least desirable one of the three.

Mr. THATCHER. I do not agree with the gentleman. I do not suppose he has ever seen this national park, and, therefore, does not know about that which he is trying to speak.

Mr. CRAMTON. I have never visited it and I have never heard anything about it that made me want to do so.

Mr. THATCHER. So the gentleman argues himself unknown.

The SPEAKER pro tempore. Objection is heard, and the Clerk will report the next bill.

DIVISION OF THE LANDS AND FUNDS OF THE OSAGE INDIANS IN OKLAHOMA

The next business on the Consent Calendar was the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

FEDERAL FARM LOAN ACT

The next business on the Consent Calendar was the bill (H. R. 13936) to amend the second paragraph of section 4 of the Federal farm loan act, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, by request of the chairman of the Committee on Banking and Currency, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I object to the request and I object to the bill.

KANSAS OR KAW TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 8901) to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have two amendments. One I feel I would have to insist on and the other I think ought to be adopted. The one which I think ought to be adopted provides for the cutting out of the language in italics on page 4 that permits a fee of \$50,000 instead of one of \$25,000. The one which I think I would want to insist on is to insert at the end of line 12, on page 4, language similar to that which was in the California Indians' bill, which provides for the use of the money for specific purposes instead of per capita payments.

Mr. WILLIAMSON. If the gentleman will yield, I have no objection myself to that sort of an amendment. In this particular case, however, I think a fee of \$25,000 is too small for attorneys. This is a very involved case; a tremendous amount of work has already been done in the case and much more will have to be done, so that I do not think a fee of \$25,000 is sufficient in order to get the right kind of attorneys in a case of this character.

Mr. CRAMTON. I have not studied the case and having confidence in the gentleman's judgment on that, I shall not urge that amendment, but I think the other amendment should be accepted.

Mr. HUDSON. I shall object unless the gentleman from South Dakota accepts the amendment cutting the fee.

Mr. WILLIAMSON. I do not know how much the gentleman knows about this particular case and the merits of it.

Mr. HUDSON. I have spent some years on the Indian Affairs Committee and I shall object to the fee going above \$25,000.

Mr. WILLIAMSON. Let me make this statement. This is a case that our subcommittee went into pretty thoroughly. I think I know what is involved in this case and I know there is a tremendous amount of work that will have to be done. I believe the case is of such importance that a fee of \$50,000 is not too much.

Mr. HUDSON. I would be very glad at some other time to take this matter up with the gentleman and I will ask that the bill be passed over for to-day.

The SPEAKER pro tempore. The bill has once been objected to, and it will take three objections to take it off the calendar.

Mr. CLARKE. Mr. Speaker, I object.

Mr. LEAVITT. Mr. Speaker, before these objections are made, and there are only two up to this time, I want to say that the Committee on Indian Affairs refers every one of these jurisdictional bills to a subcommittee headed by Judge WILLIAMSON, and the merits of each bill are thoroughly gone into.

Mr. BLANTON. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. BLANTON. This is the kind of a bill to which I expect the gentleman from Michigan to stop by objection.

Mr. LEAVITT. He is not insisting on the one amendment.

Mr. BLANTON. But he is one of the objectors.

Mr. LEAVITT. He has not objected.

Mr. BLANTON. The Bureau of the Budget has disapproved this bill.

Mr. LEAVITT. The Bureau of the Budget has disapproved all bills of this kind.

Mr. BLANTON. I will be the third objector.

Mr. CRAMTON. Will the gentleman withhold his objection to let me explain to him the importance of the matter?

Mr. BLANTON. Yes.

Mr. BLACK of Texas. Mr. Speaker, I renew the objection for the present.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that this bill—

Mr. O'CONNOR of Louisiana. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Regular order is demanded. The Clerk will report the next bill on the calendar.

UMPQUA NATIONAL FOREST, OREG.

The next business on the Consent Calendar was the bill (H. R. 9770) authorizing the construction of a road in the Umpqua National Forest between Steamboat Bridge and Black Camas in Douglas County, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON, Mr. BLACK of Texas, and Mr. HASTINGS objected.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill may go to the foot of the calendar.

The SPEAKER pro tempore. There have been three objections, which removes it from the calendar.

SISKIYOU NATIONAL FOREST, OREG.

The next business on the Consent Calendar was the bill (S. 3162) authorizing the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON, Mr. BLACK of Texas, and Mr. HASTINGS objected.

VOCATIONAL EDUCATION

The next business on the Consent Calendar was the bill (S. 1731) to provide for the further development of vocational education in the several States and Territories.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I am in favor of the bill, but I do not think a bill of this character ought to be on the Consent Calendar. This bill ought to have some consideration, and for that reason I object to it, although I am in favor of the bill.

ADDITIONAL JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The next business on the Consent Calendar was the bill (S. 1275) to create an additional judge for the southern district of Florida.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON and Mr. SCHAFER objected.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that this bill may be passed over until the next call of the calendar, for the reason that there may be action taken in the House that will cover the matter of judicial appointments.

Mr. BLANTON. Will the Chair permit a parliamentary inquiry in connection with this request?

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. If this consent is granted, will one objection take the bill off the calendar the next time?

The SPEAKER pro tempore. That is correct.

Mr. BLANTON. I have no objection to the request.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice, and the Clerk will call the next bill on the calendar.

There was no objection.

LABELING FOREIGN PRODUCTS

The next bill on the Consent Calendar was the bill (H. R. 13071) to amend section 8 of the food and drugs act, approved June 30, 1906, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GIBSON, Mr. CLARKE, and Mr. LaGUARDIA objected.

NANCY HART

The next business on the Consent Calendar was the bill (H. R. 7452) for the erection of a tablet or marker to be placed at some suitable point at Alford's Bridge, in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I objected to this bill at the last session and I still think the policy is wrong, the Federal Government building monuments for such trivial occasions as this. As I understand, the gentleman from Georgia [Mr. BRAND] is very keenly interested and it has been intimated that both Georgia and South Carolina may go Republican if this bill does not pass. Hence, I am disposed to withhold my objection if certain amendments can be made.

In the first place, in justice to the reputation of the chairman of the committee, the gentleman from Massachusetts [Mr. LUCE]: The language is a maze of "whoses" and "whiches" and "wheres" and "whens," so that it is quite bewildering. I would like to straighten out the language and then I think we will do enough if we spend \$500 for a tablet and the local people erect the tablet and maintain it. If that is agreeable to the gentleman I will offer those amendments when the bill is read.

Mr. BLANTON. Is the gentleman doing that for the benefit of the people or to keep those States regularly Republican?

Mr. CRAMTON. To keep them regularly Democratic. We want an irreducible minimum left.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BRAND of Georgia. I have a bill prepared which is an exact copy of the pending bill except the elimination of the adjectives that the gentleman objects to.

Mr. CRAMTON. All that is necessary is to strike out the word "erect" on page 1 and say "furnish for erection" and then in order to correct the grammar, on page 2, in line 3, strike out the words "when and where."

Mr. BRAND of Georgia. Yes; I am willing for the proposed corrections to be made, but I do not admit that the language objected to is not proper English.

Mr. CRAMTON. Well, it may be all right in Georgia but not elsewhere. And in line 4, strike out the word "she" and then later insert "\$500" for "\$1,000" and at the end of the paragraph insert "and bear all expenses of the erection of such marker or tablet."

Mr. BRAND of Georgia. Does the gentleman mean to reduce the amount from \$1,000 to \$500?

Mr. CRAMTON. I thought that was probably more generous than we ought to consider, but I was willing to compromise with the gentleman.

Mr. BRAND of Georgia. If the gentleman will permit, I think this statement will appeal to the gentleman's sense of fairness. This is the only bill ever reported out for a marker by the Library Committee for less than \$2,500.

Mr. CRAMTON. It is the only bill, I will say to the gentleman, I know of—

Mr. BRAND of Georgia. I have not finished my statement, if the gentleman will permit. This bill was reported favorably with an authorization for an appropriation of only \$1,000; and in addition to this the committee put on an amendment to the bill which requires the Daughters of the American Revolution of Hartwell, Hart County, Ga., to furnish at their expense the stone for the marker. So the gentleman can understand that there will not be but about \$500 remaining for the Government to pay. If we are to furnish the stone and take \$1,500 less than has been given for all other markers, I think the gentleman ought to withdraw his amendment.

Mr. CRAMTON. I do not charge anything for correcting the grammar. I think the Committee on the Library has been pretty liberal. I have never known them to authorize any other marker for so small and unimportant occurrence as this.

Mr. BULWINKLE. Mr. Speaker, being one of the members of the Committee on the Library I want to say to the gentleman from Michigan that this is a very important event, or was a very important event. This woman did more than any one man in the Revolutionary War.

Mr. CRAMTON. Let me ask the gentleman from Georgia if my amendment will be agreeable to him?

Mr. BRAND of Georgia. I can not consent to the reduction of the amount to \$500. I hope the House will give me a few additional minutes to call the attention of the gentleman from Michigan to different historians who have written at length in regard to this woman.

Mr. CRAMTON. Will the gentleman accept the other corrections that I have mentioned?

Mr. BRAND of Georgia. Yes.

Mr. CRAMTON. All right.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 7452) for the erection of a tablet or marker to be placed at some suitable point at Alford's Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart

Be it enacted, etc., That the Secretary of War is hereby authorized to erect and maintain at some suitable point at Alford's Bridge, which crosses Savannah River in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, a tablet or marker to commemorate the memory of Nancy Hart who during the American Revolution when a party of British Tories came to her home, which was located on what was then known as Fish Dam Ford or Broad River, when and where, single-handed and alone, she captured these Tories, killing one, wounding another, the others surrendering, and the living ones thereafter hanged by Nancy Hart and a few of her neighbors.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000, or so much thereof as may be necessary, to carry out the provisions of this act.

The following committee amendments were read:

Page 1, line 4, strike out the words "and maintain." Page 2, line 10, after the word "act," insert: "Provided, That the stone for such marker or tablet shall be furnished by the Hartwell Chapter, Daughters of the American Revolution, of the town of Hartwell, Hart County, Ga."

The committee amendments were agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendments:

The Clerk read as follows:

Page 1, line 3, strike out the word "erect" and insert the words "furnished for erection."

The amendment was agreed to.

Amendment by Mr. CRAMTON: Page 2, line 13, at the end of the committee amendment, after the word "Georgia," insert a comma and add the following: "And bear all expense of erection of said marker or tablet."

The amendment was agreed to.

Amendment by Mr. CRAMTON: Page 2, line 3, after the word "river," strike out the words "when and where"; page 2, line 4, after the word "alone," strike out the word "she."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. BRAND of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD on the life and character and war activities of Nancy Hart, one of the most remarkable women of the American Revolution, I submit excerpts from the following histories:

GOV. GEORGE R. GILMORE'S HISTORY OF GEORGIA, 1855

In Governor Gilmore's History of Georgia he has this to say, among other things, in regard to Nancy Hart:

"In the contest between the Whigs and Tories, in the Revolutionary War, she proved herself every inch a Whig. Nancy Hart's confident courage stirred into patriotic action many vacillating, British-fearing men of the times. When the Whigs of upper Georgia were flying from the murdering and plundering of the Tories and their superiors she stood her ground, ever disposed and ready to defend herself and hers from her country's foes.

"Nancy Hart was one of the North Carolina emigrants. She was a tall, muscular, red-headed, cross-eyed woman.

"The restless temper and fearless spirit which had urged Nancy Hart to fight for liberty made her the best backwoods woman after the war ended. She traced the bee to its tree and the deer to its lair, among snakes and wild beasts, with unequalled success.

"When civilization began to extend its gentle influence over the frontier people of upper Georgia, Nancy Hart left her accustomed haunts for the West. She settled for a while on the Tombigbee.

"On one occasion she captured three Tories, and after doing so, with these Tories she waded the Broad River, her clothes tucked up under one arm, a musket under the other, and the three Tories ahead, on her way to the camp of the Whigs, to deliver them up to the tender mercies of Col. Elijah Clarke."

THE LIFE AND TIMES OF WILLIAM H. CRAWFORD

By J. E. D. Shipp, A. B., 1909

THE STORY OF NANCY HART

In The Life and Times of William H. Crawford it is stated: "On the north side of Broad River at a point about 12 miles from the present city of Elberton, Ga., was situated the log house in which Benjamin Hart and his wife, Nancy Morgan Hart, lived at the commencement of the Revolution. This house is near a small and romantic stream, known as War Womans Creek, the name given to it by the Indians in honor of Nancy Hart, whom they admired and feared. Benjamin Hart was a brother to the celebrated Col. Thomas Hart, of Kentucky, who was the father of the wife of Henry Clay.

"Nancy Hart, along with six boys and two girls, presents a unique case of patriotic fervor, courage, and independence of character unparalleled in history. Rough, 6 feet tall, spare, big boned, and exceedingly strong, she was high spirited, energetic, and shrewd, and delighted in her prowess and physical strength. The Whigs all loved her—she was hospitable and kind to them. The Liberty Boys called her 'Aunt Nancy.' The Tories feared and hated her unrelentingly.

"When General Clarke moved the women and children away from Broad River settlement to a place of safety in Kentucky most of them were anxious to go, but Nancy refused and remained alone with her children after her Whig neighbors had departed. Her life was in constant danger, but she was resolute, and inspired the Tories with a wholesome dread, and for a long dismal period she stood her ground. Her house was a meeting place for her husband's company. She aided as a spy and kept him informed of the movements of the enemy.

"One day very near her dwelling 'Aunt Nancy' met a Tory. She engaged in conversation with him, and after a while diverted his attention and seized his gun. There was a lively wrestle over the weapon, but her superior strength gained the mastery and she marched him down the river a mile and a half to a fort known as the Old Block House and turned him over as a prisoner of war to its commander.

"All through Georgia and the Carolinas Nancy soon became famous. Her courage and confidence rekindled the smoldering sparks of liberty in hearts that were weary and ready to faint.

"She was possessed of considerable property, and her descendants were well provided for by her.

"In 1787, when the two Virginia preachers, Thomas Humphreys and John Majors, were holding a great camp meeting in Wilkes County, Ga., many of the inhabitants were moved by their teachings to embrace the doctrine of John Wesley. She was among those who fervently espoused the cause and became a staunch adherent of the new faith.

"She made several changes of residence—one to St. Marys, Ga., and other places—and finally, with her family, moved to Kentucky, where her relatives, the Morgans, lived. Hart County is the only one in Georgia named for a woman. Hartwell was named in her honor. The town of Hartford, which in 1810 was the county seat of Pulaski County, was also named in her honor. Many of her descendants reside in Georgia and treasure with pardonable pride her virtues and fondly relate the traditions of her great name."

MEMORIALS OF DIXIE LAND

By Lucien Lamar Knight, M. A., LL. D.

It was during the troublous days of Toryism in upper Georgia that Nancy Hart performed the courageous feat which has since carried her name to the ends of Christendom. There is perhaps no exploit in our annals richer in the thrilling elements of the drama. It was staged in a little cabin of the backwoods. Both Savannah and Augusta had become the strongholds of the British, and all the frontier had commenced to swarm with Tories. Preparatory to waging warfare against these scalawags of the Revolution Gen. Elijah Clarke had transported most of the women and children of the Broad River settlement to a secure asylum beyond the Blue Ridge Mountains. But Nancy Hart had not traveled in the wake of the noted rifleman. There was work for her at home.

The Hart family into which she married, an aristocratic one, gave a wife to the illustrious Henry Clay; while it flowered again in the great Thomas Hart Benton, of Missouri. Her own maiden name was Nancy Morgan, a name which honorably connects her with one of the best families of the Old Dominion. She has left us no mound to bedew with our tears, to bedeck with our garlands; but she has left us an immortal memory.

HISTORICAL COLLECTIONS OF GEORGIA

By the Rev. George White, M. A., 1855

This author says:

"One among the most remarkable women that any country has ever produced resided in Elbert County.

"She was most remarkable for her military feats. She professed high-toned ideas of liberty. Not even the marriage knot could restrain her on that subject.

"The clouds of war gathered and burst with a dreadful explosion in this State. Nancy's spirit rose with the tempest. She declared and proved herself a friend to her country, ready 'to do or die.'

"She was ignorant of letters and the civilities of life, but a zealous lover of liberty and the 'Liberty Boys,' as she called the Whigs. She was awkward in manners, but having a woman's heart for her friends. She was well known to the Tories, who stood in fear of her revenge for any grievance or aggressive act, though they let pass no opportunity of worrying and annoying her when they could do so with impunity.

"On one occasion, when information as to what was transpiring on the Carolina side of the river was anxiously desired by the troops on the Georgia side, no one could be induced to cross the river to obtain it. Nancy promptly offered to discharge the perilous duty. Alone, the dauntless heroine made her way to the Savannah River; but finding no mode of transport across, she procured a few logs and, tying them together with a grapevine, constructed a raft upon which she crossed, obtained the desired intelligence, returned, and communicated it to the Georgia troops.

"Once more when Augusta was in possession of the British, the American troops in Wilkes, then under the command of Col. Elijah Clarke, were very anxious to know something of the intentions of the British. Nancy assumed the garments of a man, pushed on to Augusta, went boldly into the British camp, pretending to be crazy, and by this means was enabled to obtain much useful information, which she hastened to lay before the commander, Colonel Clarke."

GEORGIA—HISTORICAL AND INDUSTRIAL

By O. B. Stevens

One of the most remarkable women that any country has ever produced resided in Elbert County. This was Nancy Hart, whose maiden name was Morgan. Her husband was a brother of Col. Thomas Hart, of Kentucky, who married a Miss Gray, of Orange County, N. C., and who was father-in-law of Henry Clay and maternal uncle of the Hon. Thomas Hart Benton. Nancy Hart removed with her husband to Georgia before the Revolution and settled on Broad River in Elbert County. She was an ardent patriot in whose untutored bosom dwelt the heart of a hero.

On one occasion she defended successfully a small fort against the attack of a band of Tories and savages.

THE STORY OF GEORGIA AND THE GEORGIA PEOPLE

By George Gillman Smith, D. D., 1900

In her old age the governor says she became a shouting Methodist and was recognized by all as a good woman. She married an uncle of Thomas Hart Benton, the famous Senator, and the sterling old statesman was always proud of his connection with her. It is certain she was a woman of integrity, and her family was among the best.

WOMEN OF THE REVOLUTION

(Vol. 11, ch. 43)

By Elizabeth F. Ellett

NANCY HART

At the commencement of the Revolutionary War a large district in the State of Georgia, extending in one direction from Newsons Ponds to Cherokee Corner, near Athens, and in the other from the Savannah

River to Ogeechee River and Shoulder-bone, had been already organized into a county which received the name of Wilkes, in honor of the distinguished English politician. At the commencement of hostilities so great a majority of the people of this county espoused the Whig cause that it received from the Tories the name of the "Hornet's Nest." In a portion of this district, near Dyes and Webbs Ferries, on Broad River, now in Elbert County, was a stream known as "War Womans Creek"—a name derived from the character of an individual who lived near the entrance of the stream into the river.

This person was Nancy Hart, a woman entirely uneducated and ignorant of all the conventional civilities of life, but a zealous lover of liberty and of the "Liberty Boys," as she called the Whigs. She had a husband whom she denominated a "poor stick," because he did not take a decided and active part with the defenders of his country, although she could not conscientiously charge him with the least partiality to the Tories. This vulgar and illiterate, but hospitable and valorous female patriot could boast no share of beauty; a fact she would herself have readily acknowledged, had she ever enjoyed an opportunity of looking in a mirror. She was cross-eyed, with a broad, angular mouth—ungainly in figure, rude in speech, and awkward in manners—but having a woman's heart for her friends, though that of a tigress or a Katrine Montour for the enemies of her country. She was well known to the Tories, who stood somewhat in fear of her vengeance for any grievance or aggressive act, though they let pass no opportunity of teasing and annoying her when they could do so with impunity.

On the occasion of an excursion from the British camp at Augusta a party of loyalists penetrated into the interior, and having savagely massacred Colonel Dooly in bed in his own house, proceeded up the country with the design of perpetrating further atrocities. On their way a detachment of five from the party diverged to the east and crossed Broad River to examine the neighborhood and pay a visit to their old acquaintance Nancy Hart. When they arrived at her cabin they unceremoniously entered it, although receiving from her no welcome but a scowl, and informed her they had come to learn the truth of a story in circulation, that she had secreted a noted rebel from a company of "King's men" who were pursuing him and who, but for her interference, would have caught and hung him. Nancy undauntedly avowed her agency in the fugitive's escape. She said, she said, at first heard the tramp of a horse and then saw a man on horseback approaching her cabin at his utmost speed. As soon as she recognized him to be a Whig flying from pursuit she let down the bars in front of her cabin and motioned him to pass through both doors, front and rear, of her single-roomed house—to take to the swamp, and secure himself as well as he could. This he did without loss of time, and she then put up the bars, entered the cabin, closed the doors, and went about her usual employments. Presently some Tories rode up to the bars, calling vociferously for her. She muffled up her head and face and, opening the door, inquired why they disturbed a sick, lone woman. They said they had traced a man they wanted to catch near to her house and asked if anyone on horseback had passed that way. She answered, "No," but she saw some one on a sorrel horse turn out of the path into the woods, some two or three hundred yards back.

"That must be the fellow," said the Tories, and asking her direction as to the way he took, they turned about and went off. "Well fooled," concluded Nancy; "in an opposite course to that of my Whig boy; when, if they had not been so lofty minded—but had looked on the ground inside the bars they would have seen his horse's tracks up to that door as plain as you can see the tracks on this here floor and out to other door down the path to the swamp."

This bold story did not much please the Tory party, but they would not wreak their revenge upon the woman who so unscrupulously avowed the cheat she had put upon the pursuers of a rebel. They contented themselves with ordering her to prepare them something to eat. She replied that she never fed traitors and King's men if she could help it—the villains having put it out of her power to feed even her own family and friends by stealing and killing all her poultry and pigs, "except that one old gobbler you see in the yard." "Well, and that you shall cook for us," said one who appeared to be a leader of the party; and raising his musket he shot down the turkey, which another of them brought into the house and handed to Mrs. Hart to be cleaned and cooked without delay. She stormed and swore awhile—for Nancy occasionally swore—but seeming at last disposed to make a merit of necessity, began with alacrity the arrangements for cooking, assisted by her daughter, a little girl 10 or 12 years old, and sometimes by one of the party, with whom she seemed in a tolerably good humor, now and then exchanging rude jests with him. The Tories, pleased with her freedom, invited her to partake of the liquor they had brought with them, an invitation which was accepted with jocose thanks.

The spring—of which every settlement has one near by—was just at the edge of the swamp; and a short distance within the swamp was hid among the trees a high snag-topped stump, on which was placed a conch shell. This rude trumpet was used by the family to convey information, by variations in its notes, to Mr. Hart or his neighbors, who might be at work in a field, or "cleaning" just beyond the swamp; to let them know that the "Britishers" or Tories were about—that the master was wanted at the cabin—or that he was to

keep close, or "make tracks" for another swamp. Pending the operation of cooking the turkey, Nancy had sent her daughter Sukey to the spring for water, with directions to blow the conch for her father in such a way as should inform him there were Tories in the cabin; and that he was to "keep close" with his three neighbors who were with him, until he should again hear the conch.

The party had become merry over their jug, and sat down to feast upon the slaughtered gobbler. They had cautiously stacked their arms where they were in view and within reach; and Mrs. Hart, assiduous in her attentions upon the table and to her guests, occasionally passed between the men and their muskets. Water was called for; and our heroine having contrived that there should be none in the cabin, Sukey was a second time despatched to the spring, with instructions to blow such a signal on the conch as should call up Mr. Hart and his neighbors immediately. Meanwhile, Nancy had managed, by slipping out one of the pieces of pine which form a "chinking" between the logs of a cabin to open a space through which she was able to pass to the outside two of the five guns. She was detected in the act of putting out the third. The whole party sprang to their feet; when quick as thought Nancy brought the piece she held to her shoulder, declaring she would kill the first man who approached her. All were terror stricken, for Nancy's obliquity of sight caused each to imagine himself her destined victim. At length one of them made a movement to advance upon her, and true to her threat she fired and shot him dead. Seizing another musket, she leveled it instantly, keeping the others at bay. By this time Sukey had returned from the spring; and taking up the remaining gun, she carried it out of the house, saying to her mother, "Daddy and them will soon be here." This information much increased the alarm of the Tories who perceived the importance of recovering their arms immediately; but each one hesitated, in the confident belief that Mrs. Hart had one eye at least on him for a mark. They proposed a general rush. No time was to be lost by the bold woman; she fired again and brought down another of the enemy. Sukey had another musket in readiness, which her mother took, and posting herself in the doorway, called upon the party to surrender, "Their d— Tory carcasses to a Whig woman." They agreed to surrender, and proposed to "shake hands upon the strength of it." But the victor, unwilling to trust their word, kept them in their places for a few minutes till her husband and his neighbors came up to the door. They were about to shoot down the Tories but Mrs. Hart stopped them, saying they had surrendered to her; and her spirit being up to boiling heat, she swore that "shooting was too good for them." This hint was enough, the dead man was dragged out of the house, and the wounded Tory and the others were bound, taken out beyond the bars, and hung.

ADDITIONAL CIRCUIT JUDGE FOR THE SECOND JUDICIAL CIRCUIT

The next business on the Consent Calendar was the bill (S. 1976) for the appointment of an additional circuit judge for the second judicial circuit.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON and Mr. SIROVICH objected.

Mr. GRAHAM. Will gentlemen withhold the objection and let me say a word in explanation. This is on a different basis altogether from the appointment of a district judge. This is the appointment of a judge for the circuit court of appeals of that district. Judge Hand, Senior Justice, has written urging that the bill be passed. Judge Hand has written several times earnestly requesting that this be passed, and I do hope the gentlemen will withdraw their objection and let the House consider the bill because it is unusually imperative.

Mr. BLANTON. Will the gentleman mind answering a question?

Mr. GRAHAM. No.

Mr. BLANTON. Does the gentleman think that these judges work five hours a day?

Mr. GRAHAM. Oh, yes; 10, 12, and sometimes 14.

Mr. BLANTON. And sit oftener than three days in the week?

Mr. GRAHAM. Oh, yes; and they work in their chambers. I want to say that the council of judges have earnestly recommended this legislation. The Department of Justice has indorsed it fully and the court itself is asking for it.

Mr. BLANTON. Does the gentleman know of any case where the Department of Justice has turned down a proposition to create a new judge?

Mr. GRAHAM. Oh, yes; a great many.

Mr. BLANTON. They are always in favor of creating new members of the judiciary.

The SPEAKER pro tempore. Objection is heard.

DRY VALLEY ROAD

The next business on the Consent Calendar was the bill (H. R. 12662) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, there are certain amendments that I have suggested to the gentleman from Georgia [Mr. TARVER] that are entirely in accord with bills of a similar character that have heretofore been passed by the gentleman. If the gentleman could accept those amendments, requiring local cooperation, I would have no objection.

Mr. TARVER. Mr. Speaker, this is a part of an approach road to Chickamauga National Park, which leads from St. Elmo, in the State of Tennessee, to the park. Congress at the last session passed a bill authorizing an appropriation of \$20,000 per mile for about half of the road, lying in the State of Tennessee. That appropriation has been made and is being expended. There is no requirement that there should be any matching of that sum by the local authorities. This is the remainder of the road which is provided for in this bill. The bill carries only \$15,000 per mile. There is no more reason for a matching provision here than there was in the bill of the gentleman from Tennessee [Mr. McREYNOLDS], which provided for the first portion of the road. The Government of the United States is not interested in the matching provision, the War Department is not interested in it. They desire to get rid of the road. Why treat my district differently from the district of the gentleman from Tennessee?

Mr. CRAMTON. The gentleman from Tennessee got his bill through before I realized that it was a road that was going all of the way to the Gulf of Mexico.

Mr. TARVER. The gentleman can not realize that now, because it is only 4 miles farther.

Mr. CRAMTON. I am suggesting the same language as appears in Public Act 356, passed at the last Congress. These roads are used more for local than for Federal purposes, and I think there should be an equal contribution by the local authorities.

Mr. TARVER. The bills to which the gentleman has made reference, passed at the last session of Congress, were bills having to do with two great through highways, portions of the Dixie Highway, where it was hoped that matching might be secured from the State highway commission. This is no such road. It is on the same basis as the road in the district of the gentleman from Tennessee [Mr. McREYNOLDS], for which we provided an appropriation in excess of this, without any matching provision. Why make fish of one and fowl of another? Why appropriate for part of the road lying in Tennessee without a matching provision and require it in the State of Georgia, especially when it is of no interest to the Government of the United States, which only desires to get rid of the road?

Mr. CRAMTON. Then the gentleman is not willing to accept the amendments?

Mr. TARVER. No.

Mr. CRAMTON. Mr. Speaker, I object.

The SPEAKER pro tempore. It takes three objectors.

Mr. SCHAFER. Mr. Speaker, I object.

Mr. LaGUARDIA. I object.

CAUSES OF POULTRY DISEASES

The next business on the Consent Calendar was the bill (S. 2030) to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, in reading the report on this bill from the Committee on Agriculture, I see in this report that the department states it already has ample authority to do this work, and, moreover, it evidently has already exercised its authority, because I have here a list of farm bulletins which shows that the department is now issuing 22 bulletins on the subject of poultry raising, poultry diseases, and other things dealing with poultry. In view of the fact that the department now has ample authority to do this work, I object.

OFFICIAL BONDS

The next business on the Consent Calendar was the bill (H. R. 13978) to amend section 5 of the act of March 2, 1895, relating to official bonds.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the fourth paragraph of section 5 of the act of March 2, 1895, chapter 177 (28 Stat. 808; U. S. C. title 6, sec. 3), and the proviso added to such section by the act of March 8, 1928, are amended to read as follows:

"Hereafter, any officer whose duty it is to take and approve official bonds may at any time, in his discretion, require the renewal of any such bond, and the new bond, when accepted and approved, shall be in lieu of the prior bond in respect of liability accruing subsequent to the date of approval of the new bond. In the case of official bonds executed by individual sureties, there shall be filed quarterly a certificate, upon a form prescribed for the purpose by the Secretary of the Treasury, as to the sufficiency of such individual sureties. The liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal. The nonperformance of any requirement of this section on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States, and nothing in this section shall be construed to repeal or modify section 3836 of the Revised Statutes of the United States (U. S. C. title 39, sec. 38)."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INDIAN TRUST ESTATES

The next business on the Consent Calendar was the bill (H. R. 7204) to authorize the creation of Indian trust estates, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

BATHING POOLS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 5758) amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, I object.

Mr. SIMMONS. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I object.

OLEOMARGARINE

The next business on the Consent Calendar was the bill (H. R. 10958) to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri, Mr. ALDRICH, Mr. TAYLOR of Colorado, Mr. LaGUARDIA, Mr. HUDSON, Mr. SPROUL of Illinois, and several other Members objected.

Mr. O'CONNOR of Louisiana. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. O'CONNOR of Louisiana. For a parliamentary inquiry. Has the Chair announced, in view of the number of objections made to this bill, that it takes it permanently off the calendar?

The SPEAKER pro tempore. No; the Chair simply said that objection is heard.

Mr. O'CONNOR of Louisiana. Is not the method I have suggested in accordance with the rules?

Mr. LaGUARDIA. Three objections takes it off.

Mr. BLANTON. Is there anybody in the House who did not object?

CIVIL AIR FIELD

The next business on the Consent Calendar was the bill (H. R. 8300) to provide for the acquisition, improvement, equipment, management, operation, maintenance, and disposition of a civil air field and any appurtenances, inclusive of repairs, lighting and communication systems and all structures of any kind deemed necessary and useful in connection therewith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOLADAY. Mr. Speaker, I object.

Mr. SIMMONS. I object.

DEATH BENEFITS BY FRATERNAL BENEFICIAL ASSOCIATIONS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 3844) amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That section 749 of Subchapter XII of the Code of Law for the District of Columbia is hereby amended so as to read as follows:

"SEC. 749. Fraternal beneficial associations defined: A fraternal beneficial association is hereby declared to be a corporation, society, order, or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system with ritualistic form of work and representative form of government, making provision for the payment of benefits in case of death. Each such association may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as a result of disease, accident, or old age: *Provided*, That the period in life at which physical disability benefits on account of old age commences shall not be under 70 years, or the age of expectancy from the time of entering, subject to their compliance with its laws. Any such association may create and maintain a reserve, emergency, or benefit fund in accordance with its laws. Any such association having a reserve, emergency, or benefit fund may, in addition to the benefits hereinbefore named, pay withdrawal benefits, not exceeding the contributions of such member, to a member unable or unwilling to continue membership, provided such membership shall continue not less than three successive years. Such association may also, after 10 years of membership, apply its funds and accumulations as its laws provides or the association and members agree. The fund from which the payments of such benefits shall be made and the fund from which the expenses of such association shall be defrayed shall be derived from assessments, dues, and other payments collected from its members or otherwise. The payment of death benefits shall be to the families, heirs, blood relatives, affianced husband, affianced wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepchildren, stepbrother, stepsister, children or parents by legal adoption, member's estate, a charitable, benevolent, educational, or eleemosynary institution, or to persons dependent upon the member or upon whom the member is dependent. Such association shall be governed by this subchapter, and shall be exempt from the provisions of insurance laws of the United States relating to the District of Columbia, and no law hereafter passed shall apply to them unless they be expressly designated therein: *Provided, however*, That the fact that any such association has outstanding agreements with its members for the payment of benefits other than those hereinbefore specified, if it is making no new contracts of that character and is retiring those already existing, shall not exclude such association from the operation of this subchapter."

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ACQUISITION OF LAND FOR COAST DEFENSE

The next business on the Consent Calendar was the bill (H. R. 14152) to authorize the acquisition of two tracts of land required in connection with the coast defense of the Atlantic seaboard.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. The report accompanying this bill is clothed with a certain amount of mystery as to the secret nature of the land to be acquired. If this is a matter of strategic tactics it ought to be kept secret. I want to ask the gentleman, the chairman of the Committee on Military Affairs, if that committee has received information and has satisfied themselves as to the character and nature described in the secret?

Mr. JAMES. I have received and shown it to the subcommittee, and that committee has unanimously agreed on the bill. I will be glad to tell any Member of the House to call up the

office of any Member of the House who wants to get further information, which I will be glad to give to them.

Mr. LAGUARDIA. I think in a case of this kind all we can possibly do is to take the assurance of the committee in reference to this matter.

Mr. WOOD. Mr. Speaker, further reserving the right to object, what is the purpose of this?

Mr. JAMES. It is to improve the national defense, and we want to get it through in time to submit it to the subcommittee of the Committee on Appropriations having charge of the War Department appropriation bill.

Mr. WOOD. How much land is involved in this?

Mr. JAMES. Not a very large piece—two pieces, in fact—and we desire the bill to pass to-day. It is not a large tract of land.

Mr. WOOD. Has the gentleman any idea what it will cost?

Mr. JAMES. It will not cost \$20,000.

The SPEAKER pro tempore. Is there objection to the present consideration? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to acquire, by purchase or otherwise, two tracts of land on the Atlantic seaboard with necessary rights of way as may, in his discretion, be necessary in the proper defense of the Atlantic coast, and the sum of \$20,000 is hereby authorized to be appropriated from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAVING GOVERNMENT ROAD, ROSSVILLE, GA., TO CHICKAMAUGA NATIONAL PARK

Mr. TARVER. Mr. Speaker, with the consent of the gentlemen objecting to 993 a while ago, I ask unanimous consent to return to that number.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Mr. Speaker, I object. I will reserve the objection. What is the purpose of returning?

Mr. TARVER. Because an agreement has been affected in reference to the objections made to the bill.

Mr. CRAMTON. I withdraw my objection to considering the bill in a modified form.

Mr. SCHAFER. I will not object.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12662) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park.

Mr. TARVER. Mr. Speaker, I ask unanimous consent that Senate 3881, which is an exact duplicate of the House bill, be considered in lieu of the House bill.

The SPEAKER pro tempore. Without objection, the Senate bill will be considered.

There was no objection.

The Clerk read as follows:

A bill (S. 3881) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park.

Be it enacted, etc., That the Secretary of War is authorized to improve and pave the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, in the length of approximately 4 miles, for which an appropriation of not to exceed \$60,000 is hereby authorized out of any money in the Treasury not otherwise appropriated: *Provided*, That should the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority desire that the position of said road be in such manner as would involve an expenditure of more than \$60,000, the Secretary of War is hereby authorized to expend such sum as may be contributed by said local interests concurrently with the appropriation herein authorized in the improvement and pavement of said road: *Provided further*, That should the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority desire that the position of said road be changed in any particular from the

present Government-owned right of way, and should such local interests acquire title to the land necessary to effect such changes, the Secretary of War may expend the funds herein authorized for the improvement and pavement of such road as changed: *And provided further*, That no part of this appropriation shall be expended until the State of Georgia, or the counties or municipalities thereof concerned, have obligated themselves in writing to the satisfaction of the Secretary of War that they will accept title to the present Government-owned road known as the Dry Valley Road and will maintain said road as built under the provisions of the act approved March 3, 1925 (43 Stat. L. 1104), immediately upon the completion of such improvements as may be made under this appropriation.

The SPEAKER pro tempore. Without objection, the Senate bill will be considered, read the third time, and passed, and a motion to reconsider laid on the table.

Mr. CRAMTON. Mr. Speaker, I offer an amendment to the Senate bill which has been agreed upon. On page 1, line 9, strike out "\$60,000" and insert "\$40,000."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, line 9, strike out "\$60,000" and insert "\$40,000."

Mr. TARVER. Mr. Speaker, I do not believe the gentleman from Michigan sent his amendment to the Clerk's desk in time. The bill had already been passed; but I will withdraw that point.

Mr. CRAMTON. I think the gentleman ought to.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 7, strike out "\$60,000" and insert "\$40,000."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out lines 20 and 25, on page 2, and all of page 3, and insert in lieu thereof the following: "*And provided further*, That no part of the appropriation herein authorized shall be expended until the State of Georgia, or the counties or municipalities thereof concerned, have obligated themselves in writing to the satisfaction of the Secretary of War that they will accept title to the present Government-owned road known as the Dry Valley Road and will maintain said road as built under the provisions of the act approved March 3, 1925 (43 Stat. L. 1104), immediately upon the completion of such improvements as may be made under this appropriation.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The House bill was laid on the table.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to return to Calendar 989.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SCHAFER. I reserve the right to object.

Mr. LA GUARDIA. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

HOSPITAL ANNEX, MARION BRANCH, NATIONAL SOLDIERS' HOME

The next business on the Consent Calendar was the bill (H. R. 14153) to authorize an additional appropriation of \$150,000 for construction of a hospital annex at Marion Branch.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FISH. Will the gentleman from Michigan [Mr. JAMES] explain the necessity for this?

Mr. JAMES. The architect said \$100,000 would not be enough. One hundred and fifty thousand would be required.

Mr. FISH. What is this hospital?

Mr. JAMES. It is the one at Marion, Ind., the old soldiers' hospital.

Mr. FISH. I want to take this opportunity to say to the gentleman and to the House that I think the House is making a very serious mistake by appropriating large sums of money for Veterans' Bureau hospitals that may not be needed. You have appropriated for four hospitals. I can not see where you will

need them. If this has anything to do with a Veterans' Bureau hospital I will object now.

Mr. SIMMONS. We can take care of the men.

Mr. FISH. Ten thousand of these uncompensated veterans who are unable to prove that the war was the origin of their disabilities are in the hospitals at the present time.

Mr. LA GUARDIA. Reserving the right to object, the gentleman from Michigan has several bills of this kind that are placed on the Consent Calendar. We should have some system about this matter and not permit bills to come here without notice.

Mr. JAMES. One hundred thousand dollars was authorized at the last session of Congress. It can not be used. This bill has been pending for several years. Unless it goes through now and a supplemental estimate is sent up to the Committee on Appropriations we shall have to wait another year.

Mr. LA GUARDIA. Is the gentleman going to press his bill for \$190,000?

Mr. JAMES. That may not be reached.

Mr. LA GUARDIA. Does the gentleman expect to have another Calendar Wednesday this session?

Mr. CRAMTON. Reserving the right to object, Mr. Chairman—which I do not intend to do—I notice this bill specifies the exact amount to be appropriated. I think it is highly desirable for purposes of economy that the Committee on Appropriations, when an estimate comes before them, shall have some discretion to examine whether the whole amount of money asked for is needed. If the bill were so drawn that authorization were made of "not more than" \$150,000, the committee might cut the amount if it seemed to be the best policy.

Mr. JAMES. I think my colleague is absolutely correct. If he will look at the next bill, he will see it has used that language, and as far as I am concerned I am willing to accept an amendment to that effect, and I will recommend to the War Department that all future bills contain that language.

Mr. CRAMTON. So that the appropriating committee may make an examination as to the propriety of appropriating so large an amount as is authorized. I offer an amendment to that effect.

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, who made the original estimate of \$100,000?

Mr. JAMES. The gentleman from Indiana [Mr. HALL], the Congressman from that district.

Mr. LA GUARDIA. It was not an estimate based on plans or anything?

Mr. JAMES. No. He introduced a bill, which went to the Committee on Public Buildings and Grounds, and then the bill got to our committee. The Committee on Public Buildings and Grounds held extensive hearings, and then when an investigation was made it was found that \$100,000 was too small an amount.

Mr. LA GUARDIA. With all due deference to the gentleman's committee, I say this is not a very good way to report such a bill to the House and have it passed on the Consent Calendar.

Mr. JAMES. It did not come originally out of our committee; it came out of the Committee on Public Buildings and Grounds.

Mr. BARBOUR. Mr. Speaker, reserving the right to object, may I ask the gentleman from Michigan whether his committee has had any definite estimate for this building, based on plans and specifications, so that some definite idea of the cost might be arrived at?

Mr. JAMES. The War Department stated that the Supervising Architect went out there and said it would take \$250,000, and General Wood, president of the home, has also told me the same thing, that the Supervising Architect had been out there and said it would take \$250,000 to build a 50-bed hospital.

Mr. BARBOUR. I want to say to the gentleman from Michigan that information I have received lately is to the effect that many of the estimates which go to the Committee on Military Affairs are not accompanied by any definite plans or specifications, but that an estimate is arrived at, as it was stated, by the rule of thumb. Then the Committee on Military Affairs authorizes the appropriation of a certain amount of money for a certain piece of construction. That goes to the Bureau of the Budget and all the Bureau of the Budget has to act upon is the amount carried in the bill reported by the Committee on Military Affairs. It has appeared to me that before authorizing these amounts for specific construction the Committee on Military Affairs should have definite plans and specifications before it so that the committee might test the estimates that are submitted to it.

Mr. JAMES. When the War Department asks for any money for public buildings and soldiers' homes the bill goes to the

Director of the Budget before it reaches our committee. I understand that the president of the soldiers' home, General Wood, and one or two members of his board, have been before the Director of the Budget about it and told him the necessity of having this authorization increased from \$100,000 to \$250,000. That was done before the bill was sent to our committee.

Mr. BARBOUR. My understanding is that in many of these cases estimates are not based on any plans or specifications that have been prepared, but are merely guesswork, a rough estimate, or an estimate, as they say, based on the rule of thumb. I would suggest that it might be an excellent idea for the Committee on Military Affairs, before authorizing or specifying an amount that only fixes the maximum, to go into those estimates and find out just what the construction is going to cost.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. Is not that really a subject for the Committee on Appropriations? When it comes to the Committee on Military Affairs we simply have before us the general proposition involving the construction of a building of a certain kind and, as we all know, there is usually a rough estimate given of so much a cubic foot, and then the detailed plans and specifications would more appropriately come before the Committee on Appropriations.

Mr. BARBOUR. The Committee on Appropriations will be very glad to go into that feature of these appropriations, but the amount is fixed by the bills reported by the Committee on Military Affairs. Now, if the Committee on Military Affairs simply brought in a bill authorizing the construction of a certain building then the Committee on Appropriations could go into the estimates and determine the amount, but these bills provide the limit and some of them even go so far as to fix the exact amount that is to be expended.

Mr. WAINWRIGHT. Would not the suggestion made by the gentleman from Michigan [Mr. Cramton], that these appropriations should be no more than a certain amount, meet the gentleman's objection.

Mr. BARBOUR. I think that will help very materially.

Mr. HUDSON. Did the original authorization call for \$100,000?

Mr. BARBOUR. That is my understanding.

Mr. HUDSON. And now they come in for an additional authorization of \$150,000?

Mr. JAMES. The \$100,000 estimate did not come from the soldiers' home. It came from the Congressman from that district.

Mr. HUDSON. I do not know whether the gentleman from California will care to answer this or the gentleman from Michigan.

The House passed legislation here for certain construction for military purposes on the assumption it was an authorization of \$100,000. We come back at another session and find they have more than doubled that amount. It seems to me that is not a fair proposition to the House.

Mr. CHINDBLOM. If the gentleman will yield, that is not all. As I understand it, the original bill of \$100,000 was referred to and reported out by the Committee on Public Buildings and Grounds.

Mr. JAMES. And then referred to our committee, and we took the hearings that had been held before their committee.

Mr. CHINDBLOM. Did the committee act on the bill authorizing \$100,000?

Mr. JAMES. We acted on the \$100,000 authorization and had the hearings that had been held by the Committee on Public Buildings and Grounds.

Mr. CHINDBLOM. I will say to the gentleman that when I was a member of the Committee on Public Buildings and Grounds that committee had jurisdiction of building matters relating to the Home for Disabled Soldiers of the Civil War at Marion and legislated on them.

Mr. HUDSON. If the gentleman will yield further, I am not inclined to object to this legislation at this time, but it seems to me there ought to be a different procedure on the part of the gentleman's committee in bringing in original authorization bills.

Mr. JAMES. Let me ask the gentleman a question. Suppose the gentleman introduced a bill authorizing \$100,000 for Flint, Mich., and came before our committee and said he had investigated the matter personally and that the \$100,000 would complete the work. Should we go out and look at it ourselves or should we take the gentleman's word for it?

Mr. HUDSON. I would not want the committee to take my word for it. I think it ought to be investigated and that no one person's word ought to be taken in the matter of an au-

thorization and then come back here for more than double the amount originally authorized.

Mr. LAGUARDIA. Mr. Speaker, in view of the confusion and the misunderstanding with respect to the bill, I ask unanimous consent that it may be passed over without prejudice, so that we may give it some intelligent study in the next two weeks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ARMY MEDICAL CENTER, WASHINGTON, D. C.

The next business on the Consent Calendar was the bill (H. R. 14154) to authorize appropriations for construction at the Army medical center, District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I make the same request, Mr. Speaker.

Mr. BLANTON. I object, Mr. Speaker, to the request and to the consideration of the bill.

CONSTRUCTION AT MILITARY POSTS

The next business on the Consent Calendar was the bill (H. R. 14155) to authorize appropriations for construction at military posts, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PICATINNY ARSENAL

The next business on the Consent Calendar was the bill (H. R. 14156) to authorize an appropriation for the construction of a cannon powder-blending unit at Picatinny Arsenal, Dover, N. J.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, are the estimates here anywhere within reason?

Mr. JAMES. We are informed by the War Department that the building can be built for this amount. This replaces a building that was burned down last July.

Mr. LAGUARDIA. This is not the estimate of any one man and is not a guess, but these are figures given after mature study?

Mr. JAMES. Yes; by the Ordnance Department.

Mr. LAGUARDIA. And the committee is not coming in here at the next session and ask for \$175,000 more?

Mr. JAMES. The gentleman understands that the estimate of \$100,000 was not an estimate of the War Department.

Mr. LAGUARDIA. But these are War Department figures?

Mr. JAMES. Yes; these are War Department figures submitted by the Ordnance Department.

Mr. McSWAIN. Mr. Speaker, if the gentleman will permit, I can not see the point of the criticism that the original estimate was for a sum that proved to be utterly inadequate to accomplish the purpose. If our original estimate had been double the amount of money necessary to accomplish the purpose, we would have been subject to criticism, but inasmuch as we undertook, and it seems that we did, out of a spirit of conservatism and proper business prudence, to underestimate so as to hold down the maximum of expenditure, it seems to me there is no point in the criticism.

Mr. LAGUARDIA. Permit me to reply to the gentleman that it is not conservatism, it is not prudence, to come into the House on consent and say, "Here, pass this bill; all that it will cost is \$100,000," and get your bill through, and then come back at the next session and say, "We were so conservative we want \$150,000 more." That is not conservatism; that is darn poor business.

Mr. McSWAIN. If the gentleman will yield for another statement, the one or two minutes necessary to decide whether or not the gentleman from New York or some one else will object is not worth the \$150,000 we might have saved.

Mr. BLANTON. If the gentleman will yield, here is the point: All of these bills come in here with the approval of the Director of the Budget and with the statement that it is not in contravention of the President's program. If he knew that each one of these sums was going to be doubled, they might not come

with the statement that it is not in conflict with the President's program. Therefore it does cut quite a figure as to whether the estimate is correct or not.

Mr. O'CONNOR of New York. Reserving the right to object, Mr. Speaker, do I understand that this takes the place of a plant which did exist there?

Mr. JAMES. It was burned last July.

Mr. O'CONNOR of New York. Was the subject taken into consideration as to whether or not it is now advisable to continue this plant there or put it somewhere else?

Mr. JAMES. They figure it should go there, because it is the only plant of the kind in the United States.

Mr. O'CONNOR of New York. How long has it been there?

Mr. JAMES. A good many years; I do not know how many.

Mr. O'CONNOR of New York. And from a military standpoint it is considered the proper place for it?

Mr. JAMES. Yes. Will the gentleman from New York yield?

Mr. LA GUARDIA. Yes.

Mr. JAMES. So far as the House Committee on Military Affairs is concerned, we have never come in here with a bill for \$100,000 and said that it was enough and then at the next session come back for \$150,000 more. This was a bill that was introduced in Congress by a Member and referred in the first instance to another committee.

Mr. ACKERMAN. Mr. Speaker, this matter is one that affects my district, and I think the bill ought to be passed over without prejudice.

Mr. O'CONNOR of New York. I was not going to object. I wanted to know if we ought to still have it there.

Mr. ACKERMAN. I think we ought to investigate this a little more, and I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MESS HALL, UNITED STATES MILITARY ACADEMY

The next business on the Consent Calendar was the bill (H. R. 14813) to authorize an appropriation for completing the new cadet mess hall, United States Military Academy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, the War Department reports that the bill is made necessary by reason of an underestimate of \$136,000 to begin with. They say also there was a clerical error, too, of \$161,000 more. That is quite an error for officials of West Point to make on a little building of this kind. It does occur to me that our officials at West Point, who are supposed to teach Army officers to be accurate, ought to be a little more careful in their estimates, and I object.

Mr. MORIN. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

AUTHORIZING BOARD OF MANAGERS OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS TO ACCEPT TITLE TO THE STATE CAMP FOR VETERANS AT BATH, N. Y.

The next business on the Consent Calendar was the bill (H. R. 15013) to amend an act entitled "An act to authorize the Board of Managers of the National Homes for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y., approved May 26, 1928."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. FISH and Mr. SCHAFER objected.

AMENDING SECTION 279 OF THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 14150) to amend section 279 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNOR of New York. Reserving the right to object, will the gentleman tell us what this bill does?

Mr. GRAHAM. This bill changes the present law so as to permit the summoning of jurors under the direction of the court by mail. To-day they must be served by a marshal and in one instance where they sent a message by registered mail and got the jury to come in, costing 80 cents, the Comptroller General—and properly—said there was no law to permit them to do it, and he could not pass the 80-cent bill. This changes the law in that respect. The venire summoning the jury remains the same and they may be summoned in the regular way. But when there is inconvenience or where the juror to be served is at a great distance they may be served under the direction of the court by mail.

Mr. CHINDBLOM. Where summons is sent by mail contempt proceedings should not be had unless personal service was actually obtained.

Mr. GRAHAM. Contempt proceedings would be based on actual personal service. This is a department bill carefully considered in our committee and reported out unanimously.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 279 of the Judicial Code (sec. 416, title 28, U. S. C.) be, and it is hereby, amended to read as follows:

"Writs of venire facias, when directed by the court, shall issue from the clerk's office, and shall be served and returned by the marshal or by his deputy; or, in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as may be specially appointed for that purpose by the court, who shall administer to him an oath that he will truly and impartially serve and return the writ. Any person named in such writ shall be served by the marshal mailing a copy thereof to such person commanding him or her to attend as a juror at a time and place designated therein, which copy shall be registered and deposited in the post office addressed to such person at his or her usual post-office address. And the receipt of the person so addressed for such registered copy shall be regarded as personal service of such writ upon such person, and no mileage shall be allowed for the service of such person. The postage and registry fee shall be paid by the marshal and allowed him in the settlement of his accounts."

With the following committee amendment:

On page 2, line 4, after the word "writ," strike out the word "shall" and insert the words "by direction of the court may."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADDITIONAL JUDGES FOR THE DISTRICT COURT OF THE EASTERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 14659) to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

UMATILLA RAPIDS IN THE COLUMBIA RIVER

The next business on the Consent Calendar was the bill (H. R. 306) to provide for the protection and development of the Umatilla Rapids in the Columbia River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. I object.

Mr. BUTLER. Will the gentleman withhold his objection?

Mr. CRAMTON. Yes.

Mr. BUTLER. Mr. Speaker, this is a bill introduced by my distinguished predecessor, Mr. Sinnott. It is of the greatest importance, not only to my district and my State but to the entire northwestern country. I ask unanimous consent to extend my remarks in the RECORD and also to insert a statement made by Marshal N. Dana, associate editor of the Portland Journal. [Applause.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BUTLER. Mr. Speaker, the bill under consideration (H. R. 306) for the protection and development of the Umatilla Rapids in the Columbia River states its purpose of utilizing the flow of the Columbia River at the Umatilla Rapids by improving navigation, providing for the delivery of water for reclamation of public and private lands, and for the generation of electrical energy as the means of making the project self-supporting and financially solvent.

The bill authorizes the Secretary of the Interior to advance to the fund established by the act such amounts as he may deem necessary to carry out its provisions, not exceeding the sum of \$45,000,000, interest at 4 per cent per annum, accruing upon said advancements to be paid annually out of the fund.

The Secretary of the Interior would be authorized to make provisions for revenues by contract, adequate in his judgment to insure payment of expenses of operation incurred by the United States, and the repayment within 50 years from the date of the completion of the project of all amounts advanced under the provisions of the act; and it is provided that such provisions shall be made by contract, for revenues for operation and repayment of advancements before any construction work shall be done or contracted for, and before any money is appropriated,

thus practically insuring the United States against any loss of money on account of any sums so advanced.

The proposed development has a fourfold purpose:

First. Development of navigation.

Second. Reclamation of arid lands.

Third. Bridging the Columbia River and connecting the States of Washington and Oregon.

Fourth. Development of electrical energy.

The Congress has heretofore appropriated funds for a survey and investigation which has been made and reported, under the direction of the Bureau of Reclamation, from which it appears feasible and practicable; and the bill by its terms saves the Government any danger of loss.

The great Columbia River should not continue to wind its burden to the sea without yielding something toward the prosperity and happiness of the people of the territory drained.

President-elect Hoover said in 1926:

The time has come when we must take an enlarged vision of their future. We have arrived at a new era in this development. We have need that we formulate a new and broad national program for the full utilization of our streams, our rivers, and our lakes * * *. Every drop of water that runs to the sea without yielding its full commercial returns to the Nation is an economic loss and that loss in all its economic implications can be computed in billions.

Marshall Dana, associate editor of the Oregon Journal, of Portland, Oreg., during hearings held by the Committee on Irrigation and Reclamation on this bill on January 10, 1928, made the following statement:

MR. DANA. Mr. Chairman and gentlemen of the committee, the chairman of this committee and a number of its members stood on a morning of last summer at the shore of the Columbia River and looked upon the falls of the Columbia known as the Celilo. They saw there a specimen of the water power of the Columbia River, and are doubtless prepared from their eye vision to believe that the Columbia River represents at Umatilla Rapids a similar location of very great power assets. It is my desire to go directly into what may be considered more practical phases of this project, but it seems to me desirable that the members of this committee should see clearly first of all the central location of the Umatilla Rapids project with respect to the Pacific Northwest States and to understand that a radius of 200 or 250 miles will include the larger communities of Seattle, Tacoma, Portland, Spokane, Walla Walla, Pendleton, and even across the Blue Mountains, and penetrate almost to Klamath Falls and Roseburg that might be served with electric power. I also hope that the view which the committee had of the Columbia must have demonstrated the impossibility of feasible navigation on that river without artificial works in aid of navigation and likewise that the fruits of the orchard and the products of the field that they enjoyed while they were guests of Oregon show that the yield of that region in food products covers a sufficient variety and attractiveness and of value to warrant not only an argument in behalf of the reclamation of land but an argument for the establishment of homes in that vicinity—homes that shall be aided by the factors of which the Umatilla Rapids project represents, I think, a unique group among the development projects of the United States.

Moreover, the construction of the proposed dam presents no silt-deposit problem whatever, as the Columbia is not a silt-bearing stream in any large degree.

You have heard Congressman Sinnott and Mr. Baer make references to the cost of generating power. It is my desire to emphasize particularly the substantial value represented not alone by reclamation but by the power element and by navigation. I would like to call your attention to the fact that the cost of generating power is estimated at 1.2 mills plus eight-tenths of a mill as a necessary margin, reaching a sale price of 2 mills. This is the estimate of the acting chief engineer of the Reclamation Service. It represents, I believe, a new low level for generated power in this country. The sale price of 2 mills would retire in 42 years a capital investment of \$45,000,000 in the dam and power plant, maintenance, and operation of that plant at \$1 per installed kilowatt—\$16,000,000 for reclamation works, plus reclamation maintenance and operation costs in excess of \$5 per year per acre. The cost of a navigation lock at one and a quarter million dollars, the relocation of railroads at one and a quarter million dollars plus, and the acquiring of lands adjacent to the river that would be flooded, at a cost of about \$220,000, and the bridge over the dam, for which no separate figure is available, and I believe is considered by the engineer as an integral part of the dam.

The sale price of power at Umatilla Rapids represents, at 2 mills per kilowatt-hour, coal at \$4 a ton, whereas the cost of coal in our region, bringing it from Utah or Wyoming, is \$16 per ton or more. If the reclamation features of this project should be deferred, awaiting demand, and we withdrew from the capital account the \$16,000,000 item for that purpose and the interest, it would be possible, on the estimates prepared by the engineers of the Government, to sell power at Umatilla Rapids at a reduction of half a mill or more, or at 1½ mills per kilowatt-hour at the bus bar, and that would represent coal at \$3 a ton.

The sale price of power at Boulder Canyon, as I understand, is estimated at 3 mills per kilowatt-hour. That is 1 mill more than the sale price estimated at Umatilla Rapids. That difference of 1 mill on the basis of the total output of 2,720,000,000 kilowatt-hours would represent per year a value of \$2,720,000, or more than 2 per cent of the investment estimated for Boulder Canyon of \$125,000,000, and more than 5 per cent of the estimates of the dam and power works at Umatilla Rapids.

I do not make a comparison between the cost of the two projects in order to derogate the Boulder Canyon project, because it represents a very low cost, and I merely desire to emphasize the exceedingly low cost estimate of the Umatilla Rapids project. Now, if we say that there will be 300,000 kilowatts for sale per year as a commercial surplus at Umatilla Rapids, the question of a market is of high importance in order to establish for this project a businesslike character. Estimates gathered for the Umatilla Rapids Association by the city engineer of Portland, based upon a report received by him direct from the utilities and communities affected, indicates an increased consumption of 63 per cent in electric energy in the Pacific Northwest by 1932. That increase of 63 per cent would represent an increased consumption of approximately 1,000,000,000 kilowatt-hours.

Now, when we speak in these large units of power production and consumption, it seems to me necessary in reference to the market to make the statement that this project would not be developed in a way that would flood the market with a great wave of power for which there would be no immediate demand. I find by consulting the specimen plan of organization which is opposite page 72, and indicated on column 7 of the statement in the brief, that we would be prepared to offer a commercial surplus of 595,000,000 kilowatt-hours only in 1936, or that we would be prepared to offer only 235,000,000 kilowatt-hours in 1935; that we would go from that to a total commercial surplus for sale of 1,083,000,000 kilowatt-hours not until 1938, and not to the total of 2,628,000,000 kilowatt-hours until 1943. That would be based upon the sale of 300,000 kilowatts per annum on 100 per cent load factor, and at that time, when the project was brought to its completion, it would represent a gross annual income of \$5,256,000, and in 1977, when it is estimated that on the basis of the 2-mill selling price the plant would be paid for, the chart will show that the surplus or working balance would be \$7,923,600.

Gentlemen of the committee, it seems to me that these figures, unless successfully challenged—these figures which are the estimates of the engineers of the Government—go far to show that this from the power standpoint is a desirable and a businesslike proposal.

The superintendent of the Seattle light and power department has estimated, based upon the latest available figures of 1924, that the electrical consumption of Oregon, Washington, and Idaho was 789,300 horsepower, and that by 1929, based upon the increase of the preceding five years there would be additional need for 1,180,000 horsepower.

MR. DOUGLAS. In how many years?

MR. DANA. In 1929. In making this statement the superintendent of the Seattle light and power department stated that he had no confidence that that increased capacity would have been provided; that the need would exist without the facilities to serve it.

MR. ALLGOOD. You say in 1929?

MR. DANA. Yes; 1929.

MR. SWING. That was a prediction made in 1924.

MR. DANA. A prediction made in 1925.

MR. SWING. What has happened up to date?

MR. DANA. There has been an expansion of facilities, both of private utilities and of municipalities which have gone into the business of generating and distributing power. What the total increase is I am not in a position to state.

I have submitted the statement of the city engineer of Portland, based upon the direct information from municipalities and utilities, and of the superintendent of the light and power department of Seattle, to indicate that there is a substantial market existing in the Pacific Northwest. I might say, to indicate that ours is a populated country in which enterprises are active and needs are large, that the commerce of the ports of the Pacific Northwest aggregate a billion and a half dollars a year; that the yield of the farms of the three States—Oregon, Washington, and Idaho—probably is in the neighborhood of a billion dollars a year; that the movement of staple tonnage, foods, and other products runs into the hundreds of thousands of tons; and already, partly explained by effective promotion and partly explained by the remoteness of other sources of light and energy, the per capita consumption of electric current in the Pacific Northwest is greater, I believe, than in any other corresponding area of the United States at this time.

MR. ALLGOOD. Might I ask there, the power companies have their own distribution lines, have they not?

MR. DANA. Yes; I might say that the Pacific Power & Light Co. has a 60,000-volt high-transmission line which crosses the Columbia River right over the Umatilla Rapids and serves power which is generated by the Oregon-Washington Water Power Co. at Spokane, 200 miles away, to the city of Pendleton, 40 miles from the site of Umatilla Rapids. It is a great deal like carrying coal to New Castle in that case.

The question might be asked as to the cost of transmitting the power within the radius indicated as feasible. We have an estimate that was prepared for us by the superintendent of the light and power department of Seattle. It is indicated on page 96 of the brief. His minimum estimate of the cost of that transmission line to Seattle is \$3,000,000. And, by the way, the distance to Seattle or Tacoma or Portland or Spokane with a transmission line would be almost the same in each instance.

Mr. ALLGOOD. Now, these private companies, have they charters now that serve those municipalities?

Mr. DANA. In many instances; yes. For instance, the city of Portland is my home, and it is entirely served by private utilities, and their attitude toward this project I will be prepared to discuss in just a moment.

I was stating that the minimum cost of the transmission line is estimated by the superintendent of the Seattle light and power department at \$3,000,000, the maximum estimate is \$6,650,000.

Mr. DOUGLAS. What distance is that?

Mr. DANA. About 200 miles.

Mr. DOUGLAS. The minimum cost for a transmission line 200 miles long?

Mr. DANA. Yes, sir.

Mr. DOUGLAS. Is \$3,000,000?

Mr. DANA. That is the minimum. The maximum is \$6,650,000.

Mr. DOUGLAS. Isn't that tying in with other lines along the way?

Mr. DANA. Nothing is said about tying in with other lines.

Mr. DOUGLAS. No high-transmission line can be constructed 250 miles for \$3,000,000.

Mr. DANA. I did not say 250 miles; I said 200 miles.

Mr. DOUGLAS. Well, even 200.

Mr. DANA. I am not enough of an engineer, Mr. Douglas, to quarrel with the engineer who prepared this estimate. I am giving it as his estimate. It would have no validity if I gave it as of my own origination.

Mr. SWING. He estimates from three to six million dollars.

Mr. BAER. His figures are based on \$6,680,000.

Mr. DANA. Yes. He gives as a minimum \$3,000,000, and he gives a maximum of \$6,650,000, and states that the latter estimate plus 6 per cent interest and amortization at 3½ per cent would make 9¼ per cent of fixed cost, plus maintenance and operation would represent a total of 11 per cent, or a sum of \$731,500 per year. This would represent a transmission cost of 0.4 of a mill plus. Power delivered in Seattle would cost 2.413 mills per kilowatt-hour.

Mr. SINNOTT. How does that compare with what they are paying now in Portland?

Mr. DANA. The price of power in Portland? It is materially higher than the price of power in Tacoma. I have here a record of the prices charged for minimum or average residence consumption in both cities, and the first is Portland; 13 kilowatt-hours costs \$1, the next 7 at 7 cents, or 49 cents, the next 50 at 3 cents, and the rest at 2 cents.

Mr. DOUGLAS. That does not apply at the low side, the low-tension side of the receiving station?

Mr. DANA. No.

Mr. DOUGLAS. The figure you have just quoted on Umatilla Rapids power applies to the low side of the receiving station without the additional cost of distributing to the actual ultimate consumer?

Mr. DANA. Yes.

Mr. DOUGLAS. And may I just say this, that on the face of it, this power under the terms of this bill, if the estimates are correct, seems to be economical, but I just wanted to clear up in my own mind this cost of transmission.

Mr. DANA. I did not intend to drop this estimate until I had gone a little further with it.

Mr. DOUGLAS. I beg your pardon then.

Mr. DANA. The estimate on the basis of 2.413 mills per kilowatt-hour was \$12.68 per kilowatt-year. Add 10 per cent for profit would represent 2.65 mills. Add all local costs of distribution, profit, etc., and the service cost to the average consumer in Seattle was estimated at 7.5 mills. The Seattle rates to the minimum average consumer at the present time are 5½ cents for the first 40 kilowatt-hours, 2 cents for the next 200 hours, and 1 cent for all over 240 kilowatt-hours. In other words, the price to the consumer, indicated on the basis of this transmission cost, would be less than the least price now charged on the basis of the rates for residence consumption in the city of Seattle.

The rates in Portland on the smaller blocks of residence consumption are considerably higher than those in Seattle and very much higher than those in Tacoma, which are the lowest in the United States.

Mr. SINNOTT. Why are they so?

Mr. DANA. Because in Tacoma the municipal power plant makes a very low price, based upon a theory of service, not of profit.

Mr. SINNOTT. Have they a municipal plant in Seattle?

Mr. DANA. They have a municipal plant in Seattle, and the same theory obtains there.

Now, the question might be asked as to the attitude of the power companies in this situation. I have interviewed the president of the Portland Electric Power Co., the head of the largest electric utility in our region. He has the knowledge that I would expect to repeat what he said to me, and that was that his company would be willing to buy power from the Government if the Umatilla Rapids project were authorized, and to include consideration of this resource in their plans for the future.

Mr. SWING. Did he say at what rate he would be willing to purchase?

Mr. DANA. No, sir; he said he would want to get on a bargaining basis.

Mr. HILL. How do they generate their power there now?

Mr. DANA. The power is generated largely on the Clackamas River and they have supplemental steam plants.

Mr. WHITE. It was pointed out here the other day by a lawyer from New York, Mr. Cohen, that under this plan embodied in the Swing bill for Boulder Dam, that when the power left the place of manufacture, if it was leased to one distributor, there would be no control over the price that was charged to the consumer.

Mr. DANA. I asked that question this morning and was told that this being an interstate distribution it would be subject to interstate Federal regulation.

Mr. WHITE. Well, that might obviate that point.

Mr. DANA. I might say, Mr. Chairman, that there has been no proposal at any time to develop the power feature of the Umatilla Rapids project in conflict with the private utilities that serve this region; that it has never been proposed to do other than install the dam and the power plant and sell the current generated at the switchboard at a price which would not represent a profit particularly, but would be sufficient to retire the indebtedness incurred. There is no conflict between the Umatilla Rapids Association and the power utilities so far as I have knowledge. I can predict, with a measurable degree of certainty, that if this project is authorized, a conference of the utilities of this Pacific Northwest region will follow very promptly to consider what terms might be made for the purchase of the power.

Our concept of the power phase of the Umatilla Rapids project is that it would create a pool of power that would flow into the interconnected systems of the Pacific Northwest and augment the available supply for all communities, industries, and interests that are within the zone of that development.

Mr. ALLGOOD. Have you a State compact for its development?

Mr. DANA. Between Oregon and Washington?

Mr. ALLGOOD. Yes.

Mr. DANA. No.

Mr. WHITE. Referring back to the suggestion I made a while ago, I hardly believe that the suggestion you made would be applicable to the suggestion I made, because there would have to be a measuring point where the electricity is delivered, and wherever that would have to be it would not be an interstate matter at all, it would be generated at a point in one or the other of the States. And of course I think this, that unless there was an assurance that the Government was aiding in this project so that it would help the ultimate consumer instead of the intermediate agency that delivered it, it would present a very serious objection.

Mr. DANA. I am glad that you mentioned that last matter, because the benefit of the ultimate consumer is the objective of the Umatilla Rapids Association and the genesis of this project; and were it not with the belief that we could serve the ultimate consumer with cheap power for all purposes and navigation and add reclamation, we should not be presenting or pressing this measure here at this time.

Mr. MORROW. Just there, wouldn't that reach the same point again that is raised by the gentleman from Colorado, that if it is disposed of at the switchboard without restriction on the part of the Government, wouldn't the consumer have to pay practically what he is paying now?

Mr. DANA. We did not anticipate, Mr. Morrow, that it would be available without restriction or regulation.

Mr. WHITE. The point was made—I am not saying this is my belief; I am just asking for information—the point was made that when the electricity passes from the manufacturing point, then there is no control over it; the Federal Government can not control it, nor can it place limitations on water sold for private use.

Mr. HILL. It can control it through contract, but not by regulation.

Mr. WHITE. But that contract, according to Mr. COHEN, must be embodied in the bill itself.

Mr. SINNOTT. We have a public utility commission in my State that could be made to control.

Mr. WHITE. But the public utilities commission, I think, Congressman, would have power only based upon the returns—that is, the reasonable returns on the investment.

Mr. SWING. Based upon capitalization.

Mr. WHITE. Based on capitalization and reasonable return.

Mr. ARENTZ. You spoke of interstate commerce. Where did you get that information?

Mr. DANA. From Senator McNARY.

Mr. ARENTZ. Well, according to an article in the *Saturday Evening Post* of last year, it spoke about superpower in the New England States, and mentioned the fact that without State compact regulation from the viewpoint of interstate commerce would not be effective, because the power company handling power in Pennsylvania, receiving it from New York, could buy it at a fixed price regardless of whether it paid an exorbitant price or favorable price, and then it could sell it to the consumer over the line in Pennsylvania without any regulatory arrangement whatsoever on an interstate-commerce commodity.

Mr. WHITE. You are right in that.

Mr. ARENTZ. So the interstate power as yet, according to this statement, does not enter the realm of interstate commerce. Now, I may be entirely wrong in my premise, but that was the argument.

Mr. DANA. It seems to me, Mr. Chairman, that the statements by the gentlemen from Colorado and Nevada indicate a necessity to provide a regulation if the same does not exist to-day rather than to suggest a weakness in the argument for this particular project.

Mr. WHITE. We are not making any objection at all along that line. We are talking for the benefit of our people.

Mr. LANKFORD. Mr. WHITE, didn't Mr. COHEN's argument the other day go to the extent that neither the Federal regulatory power nor a State regulatory power could control this commodity after it was sold?

Mr. WHITE. Absolutely.

Mr. LANKFORD. And it must be regulated by contract before it passes on, otherwise they could recapitalize their investment, recapitalize their contract, their good will, and make a general advance in electricity and electric power, and could base their charges upon that recapitalization.

Mr. ARENTZ. You have a peculiar situation in the Northwest. You have the cities of Tacoma and Seattle selling power at the lowest rate found anywhere in the United States by the municipalities.

Mr. LANKFORD. I realize that.

Mr. ARENTZ. And you would have a set-up there which could easily be compared with any price at which electricity was sold by a private corporation, and the industrial commission, or whatever you wish to call it—regulatory commission—could easily see whether it was a fair or unfair price.

Mr. MORROW. You mean where the cities own their own plants?

Mr. ARENTZ. Yes.

Mr. SINNOTT. We could easily amend the bill to provide for it in the contract.

Mr. LANKFORD. I think that in the South and East, away from that great amount of power, they might provide the contract feature more so than in the Northwestern States.

Mr. DANA. I suppose it should be stated, Mr. Chairman, that the Oregon Public Service Commission, the Washington Department of Public Works, and the California Railroad Commission prescribe the maximum rate at which power can be sold and issue the tariffs governing the prices and terms for the sale of power. State regulation, in other words, exists to-day.

Mr. SINNOTT. The term of contract under the bill is limited to 50 years, too.

Mr. WINTER. The point is made, however, that State regulation, under the decisions of the United States Supreme Court, could not effectually protect the ultimate consumer, for the simple reason that they would be entitled to a certain return on their investment as they are able to establish it.

Mr. LANKFORD. Not on the investment, but any enhancement of value that may come about in addition to the investment.

Mr. WINTER. In other words, they are permitted under the Constitution, we will say, to have a return of 7 or 8 per cent on their investment, and the investment might be enhanced and pyramided unless some regulation prevented it.

Mr. SINNOTT. We can provide by statute for what shall be considered the capital account of the transmission lines, good will, and all that, and reach it in that way.

Mr. WHITE. We could get the argument from the record of the hearings last Saturday before this committee on the Boulder Dam proposition, simply as a matter of assistance to enable us to get a correct view of this. Mr. COHEN's argument was a very profound argument, I thought.

Mr. DANA. I would like to ask, Mr. Chairman, if there is any phase of the matter affecting regulation that I could amplify or clarify at this moment? It is a consideration that has not matured in my mind.

Mr. WHITE. Well, I understand what your position is, and Mr. ARENTZ also called attention to the fact that you have a municipal plant that might keep the price to the consumer down. But I recognize that what you want is a cheap power to the consumer, and that is the way I feel about it. I know that is what I would like to have if I am going to favor a bill along these lines. I would want it so that the real benefit that is given by our action might inure to the ultimate consumer instead of to the middle people—while I do not want to put the middle people out of business; we want to be fair all around.

Mr. LANKFORD. And in time put them out of business so far as they are unnecessary.

Mr. DANA. Mr. Chairman, the navigation of the Columbia River has been one of the most romantic and historic features in all the experience of the Pacific Northwest. The dream of an open river from Lewiston to the sea antedates any man here present. It has engaged the ambition, it has involved the dreams of the pioneer citizens and builders of the Pacific Northwest for generations. The navigation feature of the Umatilla Rapids project is one of the utmost importance. On November 5, 1896, there was completed the Cascade Locks Canal. On May 5, 1915, there was completed the Celilo Canal. That has had the effect of opening transportation by river boat to a point immediately below the Umatilla Rapids. The construction of the Umatilla Rapids Dam at a height of 57 feet would complete the canalization of the Columbia River to the confluence of the Columbia with the Snake. The Columbia from Pasco and Kennewick at the mouth of the Snake, to Priest Rapids is navigable.

Mr. WHITE. What distance would that be navigable?

Mr. DANA. The distance thus canalized to the mouth of the Snake River from the mouth of the Columbia would be 330 miles. It would add a navigable mileage directly of some 40 miles. To say that that represents, say, 10 per cent of the total distance and hence is immaterial overlooks one feature which I might parallel by saying that if a railroad started to tunnel under a mountain and stopped only 200 feet from the farther exit the tunnel would be of very little use to the railroad, and that is precisely the condition on the Columbia River. The canalization of the Columbia River or the improvement of the navigability of the Columbia River has proceeded so spasmodically, so irregularly, that a real development of water transportation on the Columbia has been impossible, and yet every improvement to navigation, Celilo Canal, Cascade Locks, the blowing out of rocks in the channel, has had its reflection in lowered costs of rail transportation along the shores of the Columbia, so that every dollar that the Government has spent has been represented by at least \$2 in savings to the people who do business in that region.

The canalization of the Columbia River to the mouth of the Snake would represent an opportunity in the event of the authorization of the Columbia Basin project of barging the products of that district down the Columbia to ship-side in the ports of the Columbia, Portland or Vancouver, Longview or Astoria, and represent a very material economy in the movement of freight.

I have been told by the traffic manager of a railroad that bulk commodities, in which time is not the essence, can be moved by water more cheaply, and that, indeed, rail transportation can not compete with water transportation in that class of commodity movement, and it would be a material aid in increasing the feasibility of the Columbia Basin project if this canalization feature were incorporated, due to the construction of the dam at Umatilla Rapids.

I have here a group of indorsements which represent the body of favorable public opinion which exists in the Pacific Northwest for this project, either in its direct contribution to the balancing of our development in the Pacific Northwest, and on the Pacific coast as a whole, or in working the Pacific Northwest in with the mosaic of greater national interest.

I have a letter here from the Hon. George L. Baker, mayor of Portland, in which he says:

PORTLAND, OREG., December 29, 1927.

Mr. MARSHALL N. DANA,

The Journal, Portland, Oreg.

DEAR MR. DANA: I am glad you are to appear before the Committees on Irrigation and Reclamation of the House and Senate in behalf of the Umatilla Rapids project as I believe you will be able to present this important matter in a manner that will demonstrate that the people of this part of the country are vitally interested.

This is a new and undeveloped country and one which is adequately provided with resources which to date have been practically untouched. Vast development opportunities await the touch of capital and energy. Such capital at the present time seems beyond reach from private sources as it has always been at the inception of a vast new undertaking and it must have the backing therefore of the people of the country as represented by their Federal Government. The region lacks some of the common forms of energy, but is bounteously supplied with water power which needs only the mechanical harness to convert it into electric energy, easily transferable to the districts where resources may then be put to practical use in the upbuilding of the district.

The people here feel keenly the need of this development and are united behind a movement to obtain the leadership and support of the Government. By this means alone do they see any possibility of the country utilizing resources of almost unlimited extent and the upbuilding of a vast fertile and productive region which should and will become a great asset to the Nation. Private interests can go only so far, and subsidy from the people as a whole is necessary if we are to go beyond that point.

My only purpose in writing this is to give substantiation to you of the interest felt in this part of the country in this subject.

Wishing you well in your mission, I am

Very truly yours,

GEO. L. BAKER, Mayor.

And from the Portland Chamber of Commerce, the record of an official action which reads:

PORTLAND CHAMBER OF COMMERCE,
Portland, Oreg., January 3, 1928.

To the IRRIGATION AND RECLAMATION COMMITTEES
OF THE SENATE AND HOUSE,
Washington, D. C.

GENTLEMEN: We ask your consideration of the proposal to be submitted by the Umatilla Rapids Association for Federal aid to the Umatilla Rapids project for the following reasons:

1. The plan provides for building a dam in the Columbia at or near Umatilla Rapids, thus providing for irrigation, navigation, and power development, and is properly conditioned on a sufficient market for the power being obtained in advance of construction.

Development of America's latent hydroenergy is accepted as one of the most important phases of the great industrial-expansion plan for the Nation's future. This type of power saves fuel consumption, and if sufficient power can be sold at the outset to use the major portion of the potential output promises the cheapest kind of energy that may be made available. The power aspect of the water-resources program suggested from national administration quarters is accepted by us as one of the most important features proposed. Where this type of a development may be undertaken in close relationship with improved transportation and irrigation on an economic basis it is important that the same be fostered.

2. It is believed that this power development will make it possible to pump water from the Columbia to approximately 100,000 acres of irrigable land. Irrigation of the lower lands along the Columbia by pumping water from the stream through use of the river's own power has been done for years on a very small scale; and we believe the time has come when this great potential of agricultural production should be proven by a major development, such as that proposed at Umatilla Rapids, where conditions are very favorable for such work. Here there are considerable areas of good lands, situated at low levels offering heavy crop yields, and with transportation under most favorable conditions.

3. This improvement would improve navigation for a considerable distance in the Columbia. Navigation of inland streams is an essential step in the industrial, agricultural, and commercial development of this country, and the time has come when the Columbia, the greatest river on the western slope of the continent, should be given a strong, forward impetus in the direction of safe, economical navigation in order to bring to the whole of the inland empire of the Pacific Northwest the cheapest and most effective form of transportation.

We therefore commend the Umatilla Rapids project to your careful and sympathetic consideration in order that its economic feasibility may be fairly determined, recognizing that in any act submitted for adoption by Congress the interest of the Government and the taxpayers of the country should be amply protected through the Federal Power Commission set up by the Congress to regulate and control work of this nature.

Very truly yours,

FRANK L. SHULL, President.

And I have here many letters of a similar nature. A letter of indorsement from the Spokane Chamber of Commerce, signed by J. A. Ford, managing secretary, representing the action of their board; the Yakima Chamber of Commerce, signed by F. O. Hagie, their secretary; the Walla Walla Chamber of Commerce, Walla Walla, Wash., signed by F. M. Lowden, Jr., its president; the Ontario Commercial Club, signed by H. C. Boyer, its president; by the Lebanon Chamber of Commerce, signed by Forest V. Rycroft, its president; by the Hillsboro Chamber of Commerce, signed by Ed. L. Moore, secretary; by the Salem Chamber of Commerce, signed by U. S. Page, its president; by the Forest Grove (Oreg.) Chamber of Commerce, signed by C. A. Brodersen, secretary; the Astoria Chamber of Commerce, signed by Leo R. Merrick, secretary; the Dalles-Wasco County Chamber of Commerce, signed by W. S. Nelson, executive manager; Seaside Chamber of Commerce, signed by Thomas A. McKay, president; the Myrtle Creek Chamber of Commerce, Myrtle Creek, Oreg., signed by the secretary, J. R. Bruce; the Canby (Oreg.) Chamber of Commerce, signed by A. S. Markee, secretary; and the Lewiston (Idaho) Commercial Club, signed by O. M. Mackey, its president. And one of the statements made by Mr. Mackey in his letter of indorsement of the Umatilla Rapids project is:

"Lewiston and the inland empire are deeply interested in navigation of our waterways and as this damming and locking of the river for the Umatilla project at Umatilla Rapids creates dead water from the rapids to the mouth of Snake River, a distance of about 34 miles, it is one more step toward canalizing the Columbia and Snake River for the movement of the agricultural, mineral, and timber products from

our district to the Pacific coast which we all know will be a relief to our people by having water freight rates for our products.

"The people of the Northwest are deeply interested in power and land development. This power development should give to the settlers of the land irrigated by this project a low rate of power lighting and heating that will be an economic saving to the colonizing of the land.

"Idaho with its vast resources and only half a million people needs encouragement by development of the Northwest so that her natural resources will be developed from the reflection of other great projects that should come to the Northwest.

"Again I repeat the Umatilla Rapids project has the indorsement of the governing board of this club."

I might say in general and in conclusion, Mr. Chairman, that the area we are talking about here is roughly measured by some 500 to 600 miles. It is the old Oregon territory. It has fertility, it has beauty; it has not coal; it has not oil; it has water power in a greater amount potentially than can be found in any other similar area in the United States. Indeed, the estimate shows that the Columbia Basin with its tributaries represents half the potential hydroelectric horsepower that can be developed by all of the other stream systems of the United States combined. We have excellent ports. We produce west of the Rocky Mountains about two-fifths of the wheat and about two-thirds of the wool, and just to indicate that our lack of energy in the Pacific Northwest handicaps the expansion of manufactures, we produce two-thirds of the wool, yet we manufacture but 1 per cent of it.

We carry cargoes of silk through the port of Seattle valued at millions of dollars, and they are hurried by the fastest freights known across the continent for manufacture in the East.

The conditions for balanced development, for industrial expansion, for that contribution to the welfare and the happiness of living that makes for prosperity and makes for the production of the highest type of men and women can only be created by the utilization of the resources with which we offer the equivalent of coal and of oil. In other words, Mr. Chairman, if we are to mine coal in the Pacific Northwest we must do it at the water fall, and if we are going to drill for oil in that region we must drill in the cascades of the streams. That is our opportunity. That is our necessity. We need cheap power and that power exists. It is there. It is actual. The project is economic. The sites belong to the Government. The Government is the major owner of property in the Northwest, as it is in the 11 Western States. We desire that the ownership of the great power sites shall be inalienable in the Government. We desire that it shall be used and for public benefit. We feel, Mr. Chairman, that we have a right to ask the Government for the authorization of this bill and for this step forward in the utilization of a great natural resource that is essential to our well-being. And I may say, too, that we feel that it is the duty of the Government to grant this request. If we had under Government ownership in the Pacific Northwest great seams of coal or great reservoirs of oil, it would be considered a perfectly normal thing that steps should be taken toward making that energy available to us. It seems to me that this infinitely preferable form of energy and illumination, and, in some instances, of heat, should be made equally available to us and be considered fully as a normal undertaking.

That, Mr. Chairman, completes the presentation that I had planned for this time, and I thank you very much for the opportunity of doing so.

Mr. CRAMTON. Mr. Speaker, I recognize the importance of the project involving some \$45,000,000. Because it is so important I feel that I must object to its consideration at this time when there is no opportunity for debate.

OFFICIAL PAPERS OF THE TERRITORIES

The next business on the Consent Calendar was the bill (S. 1168) to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925.

The Clerk read the title of the bill.

Mr. BEERS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I wish the committee would check up a little bit on its report on this bill. The report says that these copies are for distribution by the Department of State, whereas the bill provides that only 50 out of 1,950 are to be distributed by the Department of State.

Mr. BEERS. That is a Senate report that the gentleman is reading from.

Mr. CRAMTON. I am reading the House report that came to me accompanying the Senate bill, and I hope before we meet again that the House committee will make a report upon it that is in accordance with the facts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMPACTS BETWEEN NEW MEXICO AND COLORADO

Mr. MORROW. Mr. Speaker, I ask unanimous consent to return to Calendar No. 891, H. R. 6498, granting the consent of Congress to compacts or agreements between the States of New Mexico and Colorado with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested, for the purpose of moving that the bill do lie on the table because by agreement with the gentleman from Colorado [Mr. TAYLOR] an identical bill was passed.

The SPEAKER pro tempore. Without objection, the bill (H. R. 6498) referred to by the gentleman from New Mexico will lie on the table.

There was no objection.

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in RECORD upon the compact bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker, it is with some degree of satisfaction that I note the passage of this legislation at this session of Congress. I am referring to the compact bill (H. R. 6498), which is the bill I have moved to lay on the table indefinitely, as it is identical with M. R. 7024 introduced by the gentleman from Colorado [Mr. TAYLOR], and which bill has passed and meets the conditions in my State. I also refer to H. R. 6496, 6497, and 6499.

These bills virtually protect, if the compacts are entered into, the entire waters—except the Colorado—of my State, New Mexico. The rivers of interest to my State, as well as to the States of Colorado, Oklahoma, and Texas, are the Cimarron, the Red or Canadian, Pecos, and the Rio Grande.

I am a firm believer that compacts between all intermountain States that have interstate streams and where the arid land is found which will require water for future development, will protect the water that falls and flows within each particular State of the arid region of our country.

Nature intended that these streams should be harnessed and the waters impounded for the purpose of reclamation and utility. The time is approaching and it will not be longer than a quarter of a century when much of this land of the Western States will be required to be utilized for the production of food; this means that our waters must be protected and impounded.

The history of irrigation in the West has been a history of litigation. An example of this is the Arkansas River, the waters of which flow through the States of Colorado and western Kansas; this stream has been a subject of litigation for a period of more than 25 years, and it is still in litigation in the courts. Litigation has occurred on other streams of the western country.

These streams are nearly all interstate streams. This fact brings the matter within the purview of Congress to pass upon legislation approving the compacts, when they have been ratified by the legislatures of the States involved.

When this is accomplished, each State of the arid West, where compacts have been entered into, will know what volume of water it has for future use and development.

It has been my purpose during the six years I have been in Congress to strive for the passage of this legislation. It is therefore with a great deal of satisfaction that all the bills introduced by me have been passed by this body, and they will now go to the Senate for consideration.

It is hoped that the State of New Mexico, through its proper authorities, will immediately, upon the passage of the legislation in the Senate and its final enactment into law, provide the necessary method in conjunction with the adjoining States to bring about the purposes of this legislation. In so doing, the State of New Mexico will protect the water which nature has provided in its great watershed of the high mountains and in its timber reserves for the use of the people of the State.

It is said that many of the States of the arid region, in which my State is included, have not yet applied water to beneficial use upon more than 2 per cent of the land to be utilized for crop purposes, and New Mexico alone can, by the conservation of its waters, reclaim at least 2,000,000 additional acres of land.

During the recent campaign I pledged to the people of New Mexico that I would endeavor to pass this legislation at the short session of Congress. To-day is the first Consent Calendar day of the session; my bills have been approved by this body. It is a matter of gratification to me and I hope the various regions of the State, through which the rivers flow, will appreciate the same in the spirit in which the legislation has been enacted.

THE RECENT ELECTION AND THE DEMOCRATIC PARTY

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to address the House for 25 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GILBERT. Mr. Speaker, these remarks will possess one virtue—frankness. Several months before the convention I warned my colleagues that Governor Smith's nomination meant disaster in Kentucky, including the defeat of at least four Congressmen. At the Lexington convention, unaided and alone, I sought in vain to prevent that catastrophe. At that time the sentiment in Kentucky was overwhelming against Governor Smith, even in the Democratic Party, and yet the leadership in that convention instructed for his nomination. They have suffered the rebuke that always follows when politicians attempt to force their will upon the people.

Kentucky is overwhelmingly Protestant, is overwhelmingly dry, has the smallest per cent of aliens, and even her wets are opposed to wines and beer. As the leaders of Smith's national campaign foolishly emphasized these false issues, it took no prophet to foretell what was in store for us. [Laughter.]

The Democratic platform was very generally approved. It advocated both prohibition enforcement and immigration restriction. Frequent statements of Chairman Raskob, however, could not be reconciled with the obvious purpose of the platform and Governor Smith's interpretations were not reassuring.

It would be difficult to find one with less political judgment or one with so little national vision or one in every way so unfitted for the situation as Chairman Raskob. His every utterance brought embarrassment to us. [Applause and laughter.]

The eighteenth amendment is in the Constitution. There was no issue upon that. As Charles Evans Hughes truly said, that issue was merely a "sham battle."

The truth is that neither party nominated a dry. The Democrats nominated an outspoken wet and the Republicans a "speakeasy" dry. [Laughter.]

Perhaps the greatest number of the country's sincerest champions of the eighteenth amendment, including its author, supported Smith because the real liquor issue, if any, was not legislation but enforcement. Since coming here I have tried to rid the Nation's Capital of bootlegging, without noticeable cooperation from Mr. Mellon, the head of prohibition enforcement in the United States.

The tale of two cities—Washington and Pittsburgh—is the same. They both have the same uncrowned king. Is it a mere coincidence that these two cities—the city of Mr. Mellon's home and the city of his activities—have become known as the wettest cities in the United States? Will it not be a shock to the country to learn that Mr. Mellon's department admits that there are 3,000 bootleggers infesting the Nation's Capital? Such a lack of enforcement is a betrayal of the confidence of the people.

As a sincere dry, personal as well as political, throughout the years, one who believes the law can and should be enforced, I can find no reason for enthusiasm in Mr. Hoover.

Political exigencies produce some astonishing results. Mr. Hoover became dry when election to the Presidency required it. Mr. Walker became dry when election to Congress required it. Ex-Gov. Edwin P. Morrow became dry when political expediency demanded it.

They are the dry leaders now, neither because they have ever rendered the cause one bit of service nor because they have ever practiced what they are now preaching, but solely by vote of the people.

While openly opposing the views of Governor Smith on prohibition and immigration, I supported the Democratic ticket, because through the Democratic Party lay the only hope of remedying certain dangerous and deplorable conditions. A calloused public conscience seems to condone lawlessness among citizens and dishonesty among public officials. The crimes and follies of our foreign policies are actually threatening the peace of the world. Our domestic policies are destroying small business, while agriculture is on the brink of despair. Honest people so engaged are in distress, while gamblers are indulging in a wild orgy of speculation. Mr. Hoover's election emphasized this condition and widened the difference. The day after election industrial stocks on Wall Street went up. Sinclair oil reached its highest peak. Sinclair is the man whom the Supreme Court of the United States said conspired with certain Republican Cabinet officers to defraud and steal this oil from the United States.

That same day farm products went down. Hogs, the farmers' main source of revenue at this time of the year, on the Louisville market dropped 10 cents and 15 cents more the day after. They have continued a steady downward course. The day before the election they sold for \$9.50 per hundred. When Presi-

dent Coolidge read this message on December 4, one month later, they sold for \$8.65 per hundred. That part of the President's message that stated that farm commodities have reached a greater purchasing value is not true. The recent statement of the Secretary of Agriculture flatly contradicts it. [Applause on the Democratic side.]

A sound economic condition reflecting true prosperity must include agriculture. Such is not the case. The Republican Party admits it. It promises to call a special session for farm relief. What additional power will it then have that it has not now? It has had the President, the Senate, and the House for eight years. It can have nothing more next year. In fact, the same leaders will control legislation. If they have not had an idea in eight years, why expect them to find one next year? [Laughter.] Why put it off until next year, anyway? Is there anything else more important?

The relief, it seems, is going to be the McNary-Haugen bill without the equalization fee, which is the hunter without a gun. That relief will not only fail to relieve but will not even serve to deceive.

The next few years will convince the western farmer of what the last few years have almost persuaded him that a high tariff on manufactured articles and agricultural prosperity are incompatible. The suggested Republican remedies are only aspirins to relieve the pain and not remedies to remove the cause. I declined to indorse the Raskob tariff telegram sent Democratic Members. It was a foolish effort to commit the party to an unnatural alignment. I reaffirm my faith in the time-honored Democratic principles of low tariff except to foster a necessary infant industry.

A high tariff, always unjust, becomes disastrous when a country's production so far exceeds its consumption as to necessitate competition in foreign fields.

After eight years of Republican tariffs, together with Republican manipulation of the Federal reserve banking system, the farms in my district will not bring the mortgages upon them.

But of far more consequence even than these is the unrest existing over the world caused largely by the crimes and follies of our selfish foreign policies. I am heart and soul for the Kellogg treaties. I hope the President is right when he refers to them as giving great promise for world peace, yet Lloyd George, Benito Mussolini, and other statesmen of Europe are referring to them in sarcasm and ridicule. Lloyd George has just said, "While we sing the hallelujah chorus the world is arming and heading straight for war." Mussolini has just said, "We would hasten to sign similar pacts but are not deluding ourselves; the whole world is arming."

When the President is at the same time asking for peace and a bigger Navy, faith in our own peace proposals seem lacking, and foreign statesmen discredit our sincerity.

The Republican Party in 1920 preyed upon the ignorance, prejudice, and fear of the people and bartered away the world's greatest opportunity for service. It was willing to sell the future peace on earth, good will to men, like it sold the naval oil reserves for a miserable mess of pottage.

For eight years I have heard Presidents' messages of prosperity, of dollars and cents, until materialism has become nauseating. Not once has ever been mentioned education, refinement, the arts, the sciences, honesty, morality, patriotism, or Christianity. Think of the President confining an entire address on George Washington to his farms, his slaves, his business ability, and material prosperity!

Is money the only thing worth striving for? No!

Ill fares the land to hastening ills a prey,
Where wealth accumulates and men decay.

I am opposed to the President's increased Navy program, unless it is true that another war is near, as Europe seems to think. Otherwise it will be used only for imperialistic demonstrations, trade intimidation, and may get us into war. The people of the world do not want war. The people's Representatives in Congress should take this in hand with the civil authorities of other lands and all could agree, but leave it to the diplomats and war experts and they will get us into war.

Neither do I approve of Mr. Hoover's peace mission on a battleship. At an enormous expense to the American taxpayer this private citizen is calling his vacation a good-will voyage. We learn that the American Fleet is to follow; just why, is not clear. When the Prince of Peace came on earth to preach good will, he neither rode a war horse nor had an army in his wake. [Applause.]

While I, as a patriot, wish Mr. Hoover an administration promoting world peace, helpful to all our people in material, moral, and spiritual progress, I see nothing to warrant great optimism. He has displayed neither courage nor ideals; he has had no fixed opinions; he has merely reflected the wishes of

stronger men who surround him. Under Woodrow Wilson he was a Democrat; he sought the Democratic nomination for President; he sought the return of a low-tariff Congress. Under Harding and Coolidge he was a Republican; he sought the Republican nomination for President; he sought the return of a high-tariff Congress.

I love the Democratic Party, its principles, its traditions, its history. For 16 years it has furnished my meat and bread. Although I warned against its leadership and refused to follow them into strange and winding paths, I would not forsake it in its hour of trial. [Applause on the Democratic side.]

It is sad that this party lies prostrate when it has always proven honest and true. For wise legislation, honest administration, and patriotic devotion, its last eight years of office is unparalleled in the history of our Government. Its rival is now entrenched in power, arrogant and hateful, although for eight years it has not enacted a single piece of progressive legislation; it has betrayed the enforcement of every law and has revelled in dishonesty and graft both nauseating and disgusting. [Applause on the Democratic side.]

The Democratic Party even in the minority furnishes the strength and guidance of this Government. The only boast of achievement of the past eight years is tax reduction accomplished upon a plan devised by JOHN GARNER, a Democrat, and substituted for the Mellon plan by even a Republican Congress. The greatest calamity that could ever befall our country would be the disintegration of the Democratic Party. [Applause.]

For these reasons and many more, I stuck by the old Democratic ship of state. I saw its crew steering it into the storm. They seemed unmindful of the rocks toward which they were driving. Seeing my distress, I was invited to join those who abandoned it for a less worthy ship, more adroitly managed, and even promised safety in reward for my cowardice, but I owed more allegiance than they. I was an inferior officer; they were only passengers. Had it come safely into port, it would have been better for the country even though there was much undesirable on board; so I have no regrets nor apologies for sticking to the ship.

The Democratic Party has a great future. Its proper alignment is nearer that of 1916 when the South and West united and were victorious without carrying any Eastern States. I am not advocating sectionalism. The Democratic Party is national in scope. Its policies are best for the people generally in the North, South, East, and West, but so long as protected interests dominate the policies of some of the Eastern States and exact an unjust tribute from every other section, the Democratic Party can not sacrifice its principles as an inducement for their electoral vote, however tempting such a betrayal may be.

The coming four years will demonstrate that agriculture, small independent business, honest dignified labor, and the ordinary self-respecting citizens have nothing in common with exorbitant tariffs, great combinations of industries, and vast accumulations of wealth.

Let us now look to the future. Naturally we do not want to follow the same leaders who have just brought such disaster upon us. [Applause.]

The recent election demonstrated, as all previous elections have indicated, that the country approves of the eighteenth amendment and wants it honestly enforced. Chairman Raskob during the campaign, by the use of such expressions as "damnable prohibition" alienated a large and sincere following. [Laughter.] We should consider the country as dry, insist upon honest enforcement, and cease agitating that issue. Wet leadership, therefore, would be most unwise. Governor Smith, with his many admirable qualities, with his humanity and his ability, commands our admiration and respect, but over the Nation his environment causes apprehension and the prominence given by him to certain issues obscures the splendor of Democratic achievement in greater fields. In view of the recent proof of this, so unhappily experienced, his renomination in 1932 is unthinkable. [Applause.]

Should an effort be made to continue the Democratic Party, under the leadership and policies that have just wrecked it, I give warning of protest. After March 4 I shall be a private citizen, but I shall fight for the principles set out here and as a candidate, if need be, carry them to the people in my State. At Houston the Democratic Party was taken upon a mountain and tempted by the prospect of power to be had by holding out a false inducement to those opposed to a constitutional amendment, and it was tempted by the lure of gold to be contributed by high-tariff protected monopolies and it yielded and fell.

It shall rise, purged and strengthened by this experience.

The Republican Party, however, must suffer from the dis-appointment and the disintegration of so large a majority.

Drunken with power, it will ruthlessly prove its own unfitness and finally bring about its own destruction. [Applause.]

It would be fortunate if inspiring leadership should hail from the West. Under an able leader, a wise statesman, a friend of agriculture and country life, the South would become solidly Democratic again; so would the border States and the West.

I submit these views not in the egotism of "I told you so" nor in the bitterness of disappointment but for the consideration of those who like I love their country and believe that its greatest opportunity for peace, uprightness, prosperity, and inspiration is in the Democratic Party. [Loud applause.]

RELIEF OF PORTO RICO

Mr. KIESS. Mr. Speaker, I move to suspend the rules and pass House Joint Resolution 352, for the relief of Porto Rico, which I send to the desk and ask to have read.

The Clerk read as follows:

Whereas the island of Porto Rico is suffering from the effects of a violent hurricane of extraordinary intensity, unusual in duration, and unexampled violence which visited the island on September 13 and 14, 1928; and

Whereas no part of the island escaped suffering some damage; and

Whereas the total number of people affected by the hurricane was 1,454,047, of whom, according to the report of the American Red Cross, more than one-third, or 510,161, were absolutely destitute and without food; and

Whereas the coffee and fruit crops were almost totally destroyed, and the coffee plantations so injured that it will be at least five years before they can be restored to normal conditions; and

Whereas a very large part of the shade trees which are essential for the successful functioning of a coffee plantation were destroyed and more than five years will be required for their replacement or recovery; and

Whereas more than 140,000, or about one-third, of the trees in the coconut plantations were destroyed and it will be at least seven years before the new trees to be planted in their place will be bearing fruit; and

Whereas the damage to all the insular industries has been so great as to make it impossible for the insular government to give adequate relief in the emergency: Therefore be it

Resolved, etc., That there is hereby created a commission, to be known as the Porto Rican Hurricane Relief Commission (hereinafter referred to as the commission), and to consist of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, of whom the Secretary of War shall be the chairman. It shall be the duty of the commission to assist in the rehabilitation of agriculture in the island of Porto Rico, particularly on the coffee plantations and on the coconut plantations, to encourage a more general planting of food crops needed by laborers on the plantations, especially of root crops, to aid in the repair and restoration of schools and roads, and to assist in providing employment for unemployed and destitute laborers. The commissioners shall receive no compensation for their services under this resolution.

Sec. 2. (a) The commission is authorized (1) without regard to the civil service laws to appoint and, without regard to the classification act of 1923, as amended, to fix the compensation of a secretary and such clerical and other assistants; and (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere) as may be necessary in carrying out the provisions of this resolution. The commission may, to the extent deemed advisable by it, utilize the facilities and the clerical and other personnel of the Department of the Treasury, the Department of War, and the Department of Agriculture, and may request and accept the cooperation of the insular and municipal governments of Porto Rico in carrying out the provisions of this resolution.

(b) There is hereby authorized to be appropriated the sum of \$50,000 for administrative expenses incurred in carrying out the provisions of this resolution.

Sec. 3. For the purpose of carrying out the provisions of this resolution the commission shall have power to make loans to any individual coffee planter, coconut planter, fruit grower, or other agriculturist in the island of Porto Rico in such amounts and upon such terms and conditions as the commission shall by regulation prescribe, including an agreement by the borrowers to use the loan for the purposes specified by the commission; except that no such loan shall be made for a period of more than 10 years or in an amount in excess of \$25,000 to any one individual. The rate of interest upon each such loan, beginning with the fourth year, shall be 5 per cent per annum, but the commission may, in its discretion, defer the payment of interest upon any such loan for such a period of time as the commission shall deem necessary. All such loans shall be made by the commission itself or through such agencies as the commission shall designate. For carrying out the purposes of this section there is hereby authorized to be appropriated the sum of \$6,000,000, of which \$3,000,000 shall be made immediately available, \$2,000,000 shall be made available on January 1, 1930, and \$1,000,000 shall be made available on January 1, 1931. All money received during

a period of five years from the date of the approval of this joint resolution as repayment of any loan or interest on loan made under the provisions of this joint resolution shall be held by said commission as a revolving fund, which may be loaned on applications for the purposes and upon the terms and conditions herein provided, and all money received thereafter as payments of interest and principal on all loans made under the provisions of this joint resolution shall be covered into the Treasury as miscellaneous receipts.

SEC. 4. There is hereby authorized to be appropriated the sum of \$2,000,000 to be used for the rebuilding and repair of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico and for the employment of labor and the purchase of materials for repairing insular and rural municipal roads. The sum hereby authorized to be appropriated shall be expended in such manner and in such amounts as the commission shall approve.

SEC. 5. There is hereby authorized to be appropriated the sum of \$100,000 to be expended by the commission in the purchase and distribution within the devastated area of Porto Rico of seeds and seedlings, particularly of food and root crops, in such manner as it deems advisable.

SEC. 6. The commission shall make an annual report to Congress at the beginning of each regular session, giving a complete account of its activities in carrying out the provisions of this resolution.

The SPEAKER. Is a second demanded? If not, the question is on suspending the rules and passing the joint resolution.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

Mr. CHINDBLOM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHINDBLOM. Do the whereases remain in the joint resolution?

The SPEAKER. The Chair thinks that the whereases remain as a part of the resolution.

Mr. CHINDBLOM. Are they essential?

Mr. KIESS. We thought so. They state the purpose of the legislation very clearly.

Mr. CHINDBLOM. We never do state the purpose of legislation, and if the resolution can stand without the whereases, I think in the interest of good legislation they ought to be omitted.

The SPEAKER. The Chair has already put the question on the joint resolution as read, with the whereases.

Mr. KIESS. Mr. Speaker and gentlemen of the House, I hope, in the short time allotted to me to discuss the merits of this legislation, that I will be able to convince you, as I have been convinced by personal investigation, of the urgent necessity for the passage at this time of House Joint Resolution 352.

The relief measures provided for in this joint resolution are made necessary by the effects of the destructive hurricane that swept across the island of Porto Rico on September 13 and 14, 1928, spreading devastation in its pathway, leaving in its wake not less than half a million persons in a state of destitution, and destroying crops and reducing to wreckage homes, tobacco barns, and warehouses, fruit-packing plants, and sugar centrales.

It was without doubt the worst hurricane in the history of the West Indies, and the island of Porto Rico was one of the chief sufferers. Had I not visited the island I would not have believed so much damage could have been done in such a short time. The last severe hurricane before this occurred in 1899. At that time the excessive winds lasted about three hours while this time the hurricane's excessive winds lasted for nearly 12 hours. In 1899 the wind reached a velocity of between 90 and 100 miles an hour and this year it was estimated by the best of authority that the wind at one time reached a velocity of 180 miles or more. With a wind of this force, and lasting over such a period of time, practically nothing escaped some harm.

In so far as I know there never has been in the United States, or any of the insular possessions of the United States, a hurricane of this intensity and which lasted so long. It was during the last few hours of the hurricane that so much of the damage was done. There never has been a calamity that affected the people so much in the area involved, or damaged so great a part of the industries in that territory.

At the urgent request of Governor Towner, of Porto Rico, Senator BINGHAM, chairman of the Senate Committee on Territories and Insular Possessions, and I, as chairman of the House Committee on Insular Affairs, visited Porto Rico last month and made a study of conditions in the island. During the 10 days we spent there we traveled approximately 600 miles by automobile over the island and therefore have a personal knowledge of the destruction caused by the hurricane. We talked with the representatives of the Sugar Producers Associa-

tion, the coffee planters, the tobacco growers, the fruit growers, and officials of the Agricultural Association of Porto Rico. We also interviewed representatives of the Red Cross, representatives of the Bankers Association, and the manager of the Federal Farm Loan Bank of Porto Rico, which is a branch of the bank in Baltimore. We talked with the officers of the Chamber of Commerce of Porto Rico, the commissioner of education, commissioner of the interior, commissioner of agriculture, the insular auditor, the attorney general, the insular treasurer, and many others.

The need for immediate employment is very great. If we do not enact some legislation in the very near future for their relief, there will be an enormous amount of suffering inflicted upon these people.

The American Red Cross, which went immediately to the relief of the island, reports that the total number of people affected by this hurricane to be 1,454,457, of whom more than one-third, or 510,161, were destitute, without food, without shelter, and with only the clothing they had on their backs. In the hurricane of 1899 there were 3,000 people killed chiefly by floods. The rainfall during that hurricane was about 23 inches. Although there was a rainfall this time of 29 inches in 24 hours, there were less than 300 people who lost their lives. This was due to the fact that the hurricane moved slowly and was anticipated by two days. Warnings were sent to every part of the island. Persons were warned to leave the valleys and to go up into the hills, so that, although, in some places the roads were 5 or 6 feet under water and the dwellings of half a million people were destroyed, fortunately, the loss of life was small. The fact that the severest part of the storm occurred in the daytime was also a factor in preventing the loss of life.

As soon as possible a central survey committee was appointed by Gov. Horace M. Towner. Maj. C. S. Ridley, of the United States Army, was chairman of the committee, which was composed of the commissioner of interior, the commissioner of agriculture, and four prominent citizens of Porto Rico. The survey was supervised by officers of the Sixty-fifth Infantry, which is stationed in Porto Rico. The graded schools all over the island were closed for three weeks and the school-teachers used in making the survey. Every one of the houses in the devastated section of the island was visited by members of the survey. The complete and comprehensive report of that committee as to the damage and destruction wrought leaves no question as to the devastating effects of the hurricane. I quote in part from this report, as follows:

The destructive effects of the hurricane extended to all parts of the island. The total material damage determined by the survey amounts to \$85,312,120. Because of the reconstruction that took place immediately after the hurricane and continued up to the time of the survey the damage existing at the time of the survey is less than the above figure and amounts to \$77,981,134.

On account of the general character of construction of the dwellings in rural areas the destructive effect of the hurricane on dwellings in these areas was more marked than in the towns, with the possible exception of one or two towns on the southeast coast. About 247,728 rooms in rural dwellings were totally destroyed and 192,444 partially destroyed. By the date of the survey, 41 per cent of these rooms had been rebuilt complete with roof. In 25,596 dwellings, 83,679 persons were found temporarily living with other families on account of destruction of their homes.

Coffee is grown in the central or mountain portion of the island. On the coffee farms, 49 per cent of the coffee trees and 59 per cent of the shade trees protecting the coffee are lost, amounting to \$8,716,925. It will require three to five years to replace this loss if the work is undertaken promptly. However, 6,368 farmers reported they were not rehabilitating their farms on account of lack of funds. In addition to this loss, about 80 to 90 per cent of this year's coffee crop that was on the trees is lost, amounting to \$9,465,225. There are 49,818 families living on farms over 1 cuerda in area on which the major crop is coffee. This is about 25.5 per cent of the total rural population of the island.

Sugar cane is grown on the seacoast and in the valleys. It suffered from the hurricane in two ways, viz, by loss of weight and by loss of sugar content. The former loss, which is due to breakage, inundation, and retarded growth, may be more closely determined than the latter. The loss in sugar content can not be definitely known until the cane is harvested, as it will probably change up to maturity. The total combined crop loss is now about 32.6 per cent of the crop which was anticipated prior to the hurricane, or a money loss of \$17,337,180. There are 34,316 families living on farms over 1 cuerda in area on which the major crop is sugar. This is about 17 per cent of the rural population.

No tobacco was growing at the time of the hurricane. About 25 per cent of the seed beds, however, had been planted and practically all cloth had been installed. All of this was a total loss. Practically all of the

tobacco barns were totally destroyed. There was also loss of tobacco leaf in storehouses awaiting disposal. These losses were the most important ones to the tobacco farmers and amount to \$11,979,114. There are 15,462 families living on farms over 1 cuerda in area on which the major crop is tobacco. This is about 8 per cent of the rural population.

The citrus-fruit industry covers a relatively small portion of the island. Only about 5 per cent of the trees are destroyed but a large part of the growing fruit was lost. The total existing tree and crop loss is \$2,713,866.

There are only a few important areas on the island containing coconut farms. These are located along the seacoast and are relatively small in area, about 14,340 cuerdas. On these farms, 32.77 per cent of the trees were destroyed and the entire crop of fruit was lost. The total crop and tree loss amounts to \$1,650,829, which is relatively high for such a small industry.

Such conditions as outlined, calls for speedy and effective relief. One of the greatest needs is long-term credits, whereby the planters can rehabilitate themselves and at the same time afford employment to the thousands of persons now without work as a result of the disaster.

Identical measures were prepared and introduced in the House and Senate. Joint hearings by your committee and the Senate Committee on Territories and Insular Possessions were conducted. The extent of the havoc wrought in the island was clearly set forth by Porto Rican officials and others who had first-hand knowledge of the situation. Included among the witnesses were: Gov. Horace M. Towner, of Porto Rico; Manager E. B. Thomas, of the Porto Rican branch of the Federal Land Bank of Baltimore; F. J. Holcomb, auditor of Porto Rico; Commissioner Carlos E. Chardon, commissioner of agriculture; Hon. FELIX CORDOVA DAVILA, Resident Commissioner of Porto Rico; Gen. Hugh A. Drum, who was dispatched by the War Department to the island to investigate the situation resulting from the hurricane; Col. W. L. Patterson, Acting Chief of the Bureau of Insular Affairs, War Department, and others. All gave testimony to the devastation and the need of help from the United States Government and all urged the prompt passage of this resolution. It was pointed out that Porto Rico was doing everything in its power to recuperate itself, but that the magnitude of the catastrophe called for aid from the United States Government to enable the planters and growers of the island to get on their feet.

The Secretary of War, in a letter, places the department on record as favoring the resolution and sets forth that the Director of the Budget advises that this proposed legislation is not in conflict with the financial program of the President.

While the resolution follows in general terms measures which have been passed by Congress in great catastrophes, it is in a way a new proposal. This resolution is also somewhat similar to those passed by Congress in recent years appropriating money for the purchase of seed for the farmers.

In 1903 we appropriated \$3,000,000 for the relief of distress in the Philippine Islands, and in 1906, \$2,500,000 was appropriated to sufferers from earthquake and fire in San Francisco.

Under act of December 22, 1921, the President was authorized, through such agencies as he might designate, to expend for food a sum not exceeding \$20,000,000 for the relief of the distressed and starving people of Russia and for spring planting in areas where seed grain had been exhausted. Of the total amount authorized it is understood there was expended over \$18,000,000. This was apparently intended as an outright gift, and no obligations were taken for the supplies distributed.

Under the act of January 20, 1922, we transferred medical and hospital supplies to the amount of \$4,000,000 for the stricken people of Russia.

In 1922 Congress authorized the Secretary of Agriculture to make loans or advances to farmers of the United States for the purchase of seed grain, and \$1,500,000 was made available for this purpose.

Briefly stated, House Joint Resolution 352, now before the House, creates the Porto Rican hurricane relief commission, consisting of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, of whom the Secretary of War shall be chairman.

Section 2 authorizes the appropriation of the sum of \$50,000 for administrative expenses incurred in carrying out the provisions of this resolution.

Section 3 provides that the commission shall have power to make loans to any individual coffee planter, coconut planter, fruit grower, or other agriculturist in the island of Porto Rico in such amounts and upon such terms and conditions as the commission shall by regulation prescribe, except that no such loan shall be made for a period of more than 10 years or in an amount in excess of \$25,000 to any one individual.

For the purpose of carrying out the provisions of this resolution there is authorized to be appropriated the sum of \$6,000,000, of which \$3,000,000 shall be made immediately available, \$2,000,000 shall be made available on January 1, 1930, and \$1,000,000 shall be made available on January 1, 1931.

Section 4 authorizes to be appropriated the sum of \$2,000,000 to be used for the rebuilding and repair of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico and for the employment of labor and the purchase of materials for repairing insular and rural municipal roads. The sum hereby authorized to be appropriated shall be expended in such manner and in such amounts as the commission shall approve.

Section 5 authorizes to be appropriated the sum of \$100,000 to be expended by the commission in the purchase and distribution within the devastated area of Porto Rico of seeds and seedlings, particularly of food and root crops, in such manner as it deems advisable.

Section 6 provides that the commission shall make an annual report to Congress at the beginning of each regular session, giving a complete account of its activities in carrying out the provisions of this resolution.

The people of Porto Rico deeply appreciate what has already been done for them by the American Red Cross. The prompt passage of this resolution, in addition to furnishing immediate relief by giving employment to thousands now out of work, will do much to create a closer bond of friendship between the people of Porto Rico and those of continental United States. It is my sincere hope that the resolution may be passed finally and signed by the President before Congress adjourns for the Christmas holidays.

SUPREME COURT BUILDING

Mr. ELLIOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13665) to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

That there is hereby created a commission to be known as the "United States Supreme Court Building Commission" and to be composed of the Chief Justice of the United States, an associate justice of the United States to be designated by the Supreme Court of the United States, the chairman and the ranking minority member of the Committee on Public Buildings and Grounds of the Senate, the chairman and the ranking minority member of the Committee on Public Buildings and Grounds of the House of Representatives, and the Architect of the Capitol. Notwithstanding the expiration of a Congress, any Representative who is a member of the commission, if reelected, shall continue to serve thereon until a successor is selected by the House of Representatives. The Architect of the Capitol shall serve as executive officer of the commission and shall perform such services under this act as the commission may direct.

SEC. 2. The commission is authorized to procure, by contract or otherwise, preliminary plans and estimates of costs for the construction, and the furnishing and equipping, of a suitable building (including approaches, connection with the Capitol power plant, and architectural landscape treatment of the grounds), for the accommodation and exclusive use of the Supreme Court of the United States; such building to be erected upon the site heretofore authorized for that purpose, and such building to be so situated, and the exterior thereof to be of such type of architecture and material, as to harmonize with the present buildings of the Capitol group. The amount to be expended in procuring such plans and estimates shall be determined by the commission, but shall be within the limits of appropriations made therefor, and shall be disbursed by the disbursing officer of the Department of the Interior, under the direction of the executive officer of the commission. The commission shall make a report to the Congress on or before March 1, 1929, including a detailed statement of such plans and estimates of costs.

SEC. 3. There is authorized to be appropriated the sum of \$10,000, or so much thereof as may be necessary to carry out the provisions of section 2.

The SPEAKER. Is a second demanded?

Mr. GARNER of Texas. Mr. Speaker, I do not care to ask for a second, but I would like to ask if this is a unanimous report of the committee?

Mr. ELLIOTT. It is.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

FIREPROOF OFFICE BUILDING FOR THE HOUSE OF REPRESENTATIVES

Mr. ELLIOTT. Mr. Speaker, I move to suspend the rules and pass H. R. 12897, to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives with amendments.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass with amendments the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12897) to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives.

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of \$900,000, or so much thereof as may be necessary, for the acquisition of a site embracing one or more of the squares bounded by B Street SE. and B Street SW., C Street SE. and C Street SW., New Jersey Avenue SE., and Delaware Avenue SW., as the commission in control of the House Office Building shall determine.

Upon the acquisition of such land, buildings, and structures, all of the land, buildings, and structures contained in square No. 689 and square No. 636 in the District of Columbia, as such squares appear on the records in the office of the surveyor of the District of Columbia as of the date of the passage of this act, shall become a part of the new House of Representatives Office Building site and be under the control of the Architect of the Capitol, subject to the direction and supervision of the House Office Building Commission.

SEC. 2. There is hereby authorized to be appropriated the sum of \$7,500,000, or so much thereof as may be necessary, for the construction, on the site selected, of a fireproof office building or buildings for the House of Representatives, to include necessary office rooms for Members, including committee rooms, folding rooms, and such other rooms as may be necessary and proper. Such building or buildings shall be constructed substantially in accordance with plans prepared under the direction of the Architect of the Capitol in accordance with the provisions of an act of Congress approved March 4, 1925, with such modifications as may be necessary or advantageous. For any part or all of the sum authorized to be appropriated by this section, contracts are authorized to be entered into. The construction of such building or buildings and the letting of contracts, including the necessary traveling expenses, advertising, purchase of material, supplies, equipment, and accessories in the open market, and the employment of all necessary skilled architectural and engineering personnel and other services, without reference to section 35 of the act approved June 25, 1910, and purchase of necessary technical and other books, shall be under the control of the Architect of the Capitol, subject to the direction and supervision of the commission in control of the House Office Building.

SEC. 3. The commission in control of the House Office Building shall, within 30 days after the date of the enactment of this act, determine which part or parts of the area described in section 1 shall be acquired and used for a site for the building or buildings herein provided for and shall proceed to acquire such site by purchase or by condemnation, and in the latter event, the condemnation proceedings shall be conducted in the same manner as provided in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes," approved July 1, 1898, for the acquisition of a site for an addition to the Government Printing Office. The appropriations made pursuant to this act shall be disbursed by the disbursing officer of the Department of the Interior, such officer being designated by law as the disbursing officer of the Architect of the Capitol.

The SPEAKER. Is a second demanded?

Mr. ESLICK. Mr. Speaker, I demand a second.

Mr. BLANTON. Is the gentleman against the bill?

Mr. ESLICK. I am.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

The gentleman from Indiana is entitled to 20 minutes and the gentleman from Tennessee to 20 minutes.

Mr. ELLIOTT. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Speaker, I do not think that it requires any long-extended statement from me to demonstrate the necessity for this legislation. As a matter of fact, when the present Senate and House Office Buildings were first planned the same reason existed for having two offices provided for each Representative as existed for having two offices provided for each Member of the Senate. The only reason why it was not done at that time, so far as I can ascertain, was the architectural reason that it was felt that the two buildings ought to be approximately the same size and height in order to maintain the symmetry of the Capitol Plaza. When they came to construct the buildings they found there was more than enough room to provide each Senator with a suite of offices and at the same time provide large and commodious committee rooms, for the reason that there were at that time only 92 Senators, which number has since been increased to 96; whereas there were 391 Representatives, which number has

since been increased to 435. Hence it came about that when the building was completed with the necessary committee rooms, it was found that only one room could be assigned to the great majority of House Members who were not chairmen of committees.

In the old days when Members had no clerical assistance and answered their correspondence in long hand, it might have been easier to get along with a single room. But since the advent of the typewriting machine the need for a private office for each Representative has become more apparent and more vitally necessary. It is manifestly impossible for a Member to do any satisfactory reading or to give any thoughtful attention to matters of legislation with two typewriting machines going in his office.

We all know that every third assistant chief of a bureau in the executive part of our Government has a private office. Moreover, every member of the legal profession, even in small rural communities, to-day has a private office where he can see his clients, and it is perfectly evident that this legislation is demanded not so much for the personal convenience of the Members but in order that the representatives of the people may properly transact the public business. As I said before, it ought to have been done at the beginning when the building was first constructed.

Not only is this all true, but we need more adequate committee rooms. With the exception of the rooms occupied by the Ways and Means Committee and the Judiciary Committee, there is no committee room in the present House Office Building that is even approximately adequate; and, in fact, even those two committee rooms are frequently not large enough when hearings are held on important matters of pending legislation and a large number of people come from different parts of the country to appear before those committees. The construction of a new building to be used in conjunction with the old building will not only give each Member what he ought to have, viz, two offices—one a workshop in which the routine business can be transacted by his secretary and stenographer, and the other a private office where he can meet his constituents and fellow Members and read and study—but it will also make it possible that every committee of the House which holds public hearings requiring the attendance of witnesses shall have a properly ventilated committee room large enough to accommodate the public.

This bill, Mr. Speaker, has the indorsement of the Speaker of the House, of the majority leader and the minority leader, and from conversations which I have had with individual Members of both political parties I know that it has the enthusiastic support of an overwhelming majority of the entire membership of this House. I trust that the motion to suspend the rules and pass the bill will prevail. [Applause.]

Mr. ELLIOTT. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Speaker, we have just passed, under suspension, a bill to remove the Supreme Court from its present quarters in the Capitol to new quarters on the outside, at great expense to the people. I understand that at first the Supreme Court personnel were not in favor of that move, and I know that its present location in the Capitol is convenient to Members of Congress from every State in the Union, who introduce new practitioners.

Mr. ELLIOTT. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I regret I have not the time to yield to the gentleman.

Mr. ELLIOTT. I just wish to correct a misstatement.

Mr. BLANTON. I yield.

Mr. ELLIOTT. The gentleman has made a misstatement and I want to set him right on it. The Supreme Court of the United States is in favor of this bill.

Mr. BLANTON. I do not yield further, Mr. Speaker. I understood they were not at first, but finally, through insistence and pressure upon them, they acquiesced.

All of the attorneys who practice before that court come here from our States. Many of them are not members of the Supreme Court at first and have to be introduced by some of us from the States. As it is now, we can go over there and find out when the introductions are made and make them with very few minutes' loss of time. With the Supreme Court located somewhere else we would have to leave our places for several hours, perhaps, because those introductions come at different times, and the attorneys back in the States depend upon us to do that.

Now, in our House Office Building we can have the present office building so arranged that we can have a private room in

the offices now occupied. If this Congress should do what it ought to do and pass a reapportionment bill reducing the membership of this top-heavy House from 435 to 300 Members, you would have a better working body, and you would have better attendance here on the floor, and you would have legislation better considered and better passed for the people.

If you would do that you would have plenty of room and instead of costing over \$8,300,000 it would save the people of this country, the overburdened taxpayers, on salaries and expenses alone a couple of million dollars every year.

When the Architect of the Capitol, who is a splendid man, one of the finest officials we have—when he first asked for estimates from architects on this proposal, a prominent firm of architects in New York sent him an estimate under which you could build on the present House Office Building 375 new office rooms, and all the things that go with them, for \$3,000,000. If we need more room why would not that adequate enlargement suffice—to spend \$3,000,000 and get 375 new office rooms in our present building, and have them all located together? But instead of accepting that proposition we must enlarge still further, and spend \$900,000 for a new site, and when we do that we are going to commit waste for which the people must pay. We are going to tear down four good buildings that exist now and that are used by citizens here, to wit, Potomac Hotel, Congress Hall Hotel, Health Department, and the Geodetic Survey Building, and throw that money away, and the people, the taxpayers, will pay for it; and then instead of spending \$3,000,000 for 375 new rooms, we are going to double the amount and expend \$7,500,000 for new construction.

I know I can not stop this bill from passing by objecting to it. I know it will pass. But I do want to register my protest against it. I think it is a waste of money. There was a time when not a Member of this Congress had an office except such as he furnished himself, and such officers were scattered all over the city, and yet we had possibly as good statesmen here then as we have now, and the public business was transacted just as well for the people as it is transacted now. You are going to have such spacious and commodious offices that not many Members will then come on the floor here. The time will come when you will have only a little subcommittee of the Committee on Appropriations functioning here and passing bills involving hundreds of millions of dollars of expense. I shall vote against this unnecessary and wasteful expenditure of the public money.

Mr. ELLIOTT. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. LANHAM].

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. LANHAM. Mr. Speaker, ours is a great country. We like to say it is the greatest country in the world; and I think it is. Ours is a great Government. We like to say it is the greatest Government in the world; and I think it is. By the organic law of our land this great Government is divided into three coordinate branches—the executive, the judicial, and the legislative.

In our estimation there is no office on earth comparable to that of the Presidency of the United States. In our judgment there is no judicial tribunal comparable to the Supreme Court of the United States. In our opinion there is no legislative organization comparable to the Congress of the United States.

If we believe in the greatness of our country and of our Government and of our organic law, we must believe that these three great branches should have the necessary physical equipment to function efficiently. What is the situation in this regard?

It seems that the President is provided with ample accommodations for his work. I have heard no complaint that the Executive offices are not sufficient for their purposes. For the executive departments we have already begun a comprehensive building program in the so-called Triangle. So the executive branch of our Government is being cared for.

We have passed to-day a bill providing for a commission for the construction of an adequate Supreme Court building upon a site recently acquired for this purpose. With reference to that bill I will say, in reply to my colleague from Texas [Mr. BLANTON], that the court is unanimously in favor of it.

Mr. BLANTON. At first there was some division of sentiment, was there not?

Mr. LANHAM. There was some division of opinion at first, largely upon sentimental grounds, but I am authorized to say that the court is now unanimous in approving the measure we have just passed. I think there is hardly a city of 150,000 people in the United States that has not a court building of more adequate quarters and better facilities than those now at the disposal of the Supreme Court of the United States, the

highest tribunal of the great judicial branch of our Government. We are now providing properly for them.

Now we come to the legislative branch. How are we, as members of it, equipped to function? My own situation is typical of the situation of practically all Members of the House who are not committee chairmen. I have no personal complaint to offer, but I make this statement as a Representative of the people trying to carry on the people's business. I have one room. It is an office; it is a filing room; it is a workshop; it is a consultation room; it is a library; it is a cloakroom; it is a lavatory; it is a storeroom. It is multum in parvo. There are three desks in this room and two typewriters going all the time. Such study as I am able to do in my office with reference to legislative questions must be done to the accompaniment of the clicking of these machines. Conferences are necessarily carried on under the same handicap. When individuals or groups come to see me at the same time about different matters of public business—and this occurs frequently in the experience of each of us—I have to ask some of them to step into the hall and walk up and down the corridor until I can hear the others. A private conversation is absolutely out of the question.

I repeat, gentlemen, that, not primarily for ourselves but for the good of the people whom we represent and the efficient handling of the legislative problems of this Government, we should have adequate quarters in which to work.

Something may be said about the expense of it. The cost of the necessary building is a matter for which, primarily, we are not responsible. A building costing much less than here provided for might serve our purposes just as well, but the governmental buildings of the National Capital are being constructed with reference to a well-considered architectural plan in order to insure a harmonious uniformity. And properly so. So the matter of the cost of the building is determined by the system which has been adopted for all Federal construction here in the District of Columbia.

Cost is a relative thing. Let us look at this prospective expenditure in its relation to other governmental expenditures. Here is an item designed to enable the legislative branch of our Government to operate efficiently.

I have heard the statement that from 75 per cent to 92 per cent of all our national expenditures have to do with wars—past, present, and prospective. I have never heard the figure set at less than 75 per cent, and I have heard it as high as 92 per cent.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. ELLIOTT. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. LANHAM. In other words, less than one-fourth of all our expenditures have to do with the pursuits of peace. I must say that I have less uneasiness in my own mind about appropriations to carry on effectively the work of the United States Government in matters of peace than I have with reference to the enormous expenditures pertaining to war. Under this bill we are preparing to spend for a pursuit of peace, to carry on the people's business effectively in one of the three great coordinate branches of our Government, about one-seventh or one-eighth of the cost of a single battleship. So I say, gentlemen, that not merely for our convenience, but in behalf of the people of this country who deserve a proper opportunity to consult with their Representatives in Congress and a proper attention to matters which so vitally affect them, there is a responsibility upon us to make the legislative branch efficient by providing adequate quarters and suitable facilities for this work.

Mr. GREEN. Will the gentleman yield?

Mr. LANHAM. I yield.

Mr. GREEN. Why should we buy more land when the Government has plenty? Why should we buy all of those hotels and incur all that expense?

Mr. LANHAM. I will say in that regard that I am not particular as to where this building is located, except that it must necessarily be located in proximity to our present building. We can not put one-half of the Members of Congress in one part of the city and one-half in another. Clearly that would not be feasible. The accessibility of Members of Congress to the public and to one another and to the Capitol must be maintained. Otherwise our condition would be more chaotic than at present.

Mr. GREEN. Is there not sufficient space to erect a building on this end of that square?

Mr. LANHAM. I doubt that. I think if we should build on one part of that square and leave the other part for private construction we should be unable to get the additional space we need; and, besides, we should have something quite out of

keeping with the architectural plan for the Nation's capital to which I have alluded. [Applause.]

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. ESLICK. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker and gentlemen of the House, the present bill is practically the same bill as passed by this body on the 1st day of March, 1928. If there has been any change in the building, or any reason why the cost should grow, it was not developed in the hearings. The bill that passed this body in March, 1928—H. R. 9009—called for \$800,000 to buy the site and \$6,500,000 to construct the office building, or a total of \$7,300,000. The present bill calls for an increase of \$100,000, or \$900,000, to buy only a small part of the land upon which this building is to be constructed, and calls for \$7,500,000 to construct the building, an increase of \$1,000,000, or a total increase of \$1,100,000, all without pointing out any change in the amount of land to be purchased or in the construction of the building itself.

Personally I am against this bill because I think the District of Columbia is getting more than its ratable or equitable share in the building program of the country. In the last two Congresses \$120,000,000 has been appropriated for construction in the District of Columbia, while the Nation gets only \$200,000,000, and this \$200,000,000 is being expended in the larger cities. In six States the cities get about \$118,000,000 and the smaller cities and towns get but a small part. You take districts like my own, with towns having a postal revenue of from \$15,000 to \$20,000 per year, and it will be 20 years under the present building program before they are reached. I think there should be a common fairness in which the country towns and smaller cities, as well as the District of Columbia and the larger cities, would be taken care of.

Judging by the passage of the former bill, this bill will pass the House.

I realize that every Member of Congress is the best judge of whether this bill should pass. I appreciate that every Member is the best witness of his own needs and his own requirements. I do not question but what there are Members of Congress who need two offices. I am in the same shape as the gentleman from Texas [Mr. LANHAM]. I have one office. I am perfectly satisfied with the one office. I can get along with that. I had rather my people back home had some of the blessings of public buildings than to have it here myself. The office here is for the benefit of the Representative, his clerical force, and the people who have business with him. The business back home is with our great constituencies, the people back there.

My friends, there is another thing I want to talk to you about just a moment which is a growing practice in the District of Columbia. I want to take up the question of the appropriation of \$900,000 to buy the total privately owned property that is assessed at \$545,010. The privately owned property for which this authorization is made is less than one-half the land in the two blocks in question. The Government already owns ample land to build on and then have plenty of vacant space. This authorization exceeds the assessed valuation of this privately owned property by \$354,990, or 40 per cent above the assessed valuation. I understand in the District of Columbia property is assessed at its cash value. If this is true we are authorizing an appropriation of 40 per cent more than is required to buy the property at its cash value.

I further understand that in the District of Columbia when there is an authorization that means the price you are going to pay for the specific property. The value rises to the same amount authorized by Congress to be paid. The authorization becomes the fixed or market value.

Gentlemen of the House, I want to call your attention to another thing that was developed in the hearings on this bill. Mr. Lynn, the Architect of the Capitol, in discussing this matter spoke of the condemnation proceedings in respect to the Botanic Garden property. He said that the price there exceeded in one instance 573 per cent of the amount of the assessed valuation of the property. This, however, is being contested. The average above the assessed valuation was 207 per cent, and yet property in the District of Columbia is intended to be assessed upon its cash value.

The thing I especially wanted to say to the House is this: It is a wrong to the Government in this specific case and in the various cases in the District to make these authorizations above the assessed values just because it is the Government, or to make these large appropriations. There should be a law here, such as many States in the Union have, limiting the award in condemnation proceedings, providing that such awards shall not exceed the assessed valuation plus a stated per cent. In my own State of Tennessee we have such a law and it provides that it shall not exceed double the assessed valuation of

the property. In some States in the Union it is as low as 10 per cent above the assessment; that is, the assessed value plus 10 per cent.

I have never looked into the question from the Federal viewpoint, but I have had occasion to look into it from the State viewpoint, and a measure of this kind has been held constitutional in several States of the Union, and I know it has been held constitutional in my own State.

I think this is one of the cases where we are authorizing the appropriation of too much money, and when you authorize the appropriation of 40 per cent more than the assessed valuation of the property it is equivalent to saying that we are going to pay \$900,000, or 40 per cent, more than the real value of the property acquired.

Mr. BLANTON. Will the gentleman yield?

Mr. ESLICK. I yield to the gentleman from Texas.

Mr. BLANTON. I predict that this is just a starter and the gentleman will find before the land is acquired, and before the building is finished, the committee will come back to Congress for more money.

Mr. ESLICK. I know that is usually the case, and I believe in this instance when you get through buying the land and constructing the office building and furnishing it, with 4 per cent upon the investment, it means probably one-half million dollars a year out of the taxpayers of the country.

For one I am against this bill. I opposed it before. I think we should go to the country with our building program, for we have appropriated a large amount of money for the District of Columbia, and I think the general program should be to take care of the country, because we have done an ample part for the District of Columbia. We could take the amount authorized by this bill and construct one hundred and eighty-eight \$50,000 buildings in places throughout the country where they are badly needed, where rented buildings are costly and wholly inadequate.

Mr. BYRNS. Will the gentleman yield?

Mr. ESLICK. I yield to my colleague.

Mr. BYRNS. The gentleman has spoken of paying \$900,000 for the site of this office building. My understanding is that the land to be purchased for that sum consists of less than one-half of the space that will be occupied. In other words, the Government now owns more than half of the square upon which the building is to be constructed.

Mr. ESLICK. This provides for the purchasing of the land west of Delaware Avenue not owned by the Government and also west of New Jersey Avenue not owned by the Government. The Government already owns more than half of these plots or blocks of land, and more land than is necessary for the construction of the building. The office building, as I understand, is to be constructed on a portion of the block immediately west of New Jersey Avenue, occupied by the Potomac Hotel and the Congress Hall Hotel, and the Government already owns more than half of this block, the north end nearest the Capitol.

Mr. JONES. I agree with the gentleman in his position.

Mr. BYRNS. The point I am getting at is that this \$900,000, to which the gentleman refers, is intended only for the purchase of a part of the ground upon which this building is to be constructed, the Government already owning the balance.

Mr. ESLICK. Yes; it is only in part. In other words, it is all of the property owned by individuals west of Delaware Avenue and west of New Jersey Avenue, the Government owning portions of these subdivisions, amounting to more than half.

Mr. BLANTON. Will the gentleman yield?

Mr. ESLICK. Yes.

Mr. BLANTON. And what is to become of the two buildings occupied by the Geodetic Survey and the Public Health Service?

Mr. ESLICK. The act on the face of it provides full jurisdiction to take those buildings down.

Mr. BLANTON. They can be torn down and wiped out at the expense of the people.

Mr. ESLICK. Yes; at Government expense. [Applause.]

Mr. Speaker, I yield four minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Speaker, it is not usually my policy to oppose appropriations for public buildings because I want my Government to make a creditable showing, but I believe the offices furnished for Members of Congress compare well with offices furnished members of other law-making bodies. However, I have not seen the quarters occupied by the foreign lawmakers.

But the thing I would like for the House to bear in mind is that the \$900,000 appropriation is to purchase, as I understand it, approximately 40 per cent of the land to be occupied by the new building. At that rate this plot of land possibly would be valued at about \$2,000,000, which is a rather high figure.

My colleagues, when I bear in mind the fact that less than a year ago I offered an amendment to the flood control bill providing for \$10,000,000 for flood control in the Everglades of

Florida and it was voted down; when I bear in mind the fact that the congressional district which I represent pays about \$11,500,000 to the Federal Treasury annually, and that for four years I have been trying to get a little Federal building erected in that district at a cost of possibly \$100,000, and have failed so far to get public assurance that the building will be granted, then it is impossible for me to vote for this large appropriation which is at this time not fully warranted.

If the membership of the House should be increased through reapportionment, then building could be done taking care of the addition, but it is unwise to build far in advance of necessity. I can not vote for unnecessary and extravagant appropriations when our Government is suffering under an \$18,000,000,000 public debt.

My friends, we are going wild on appropriations. How many of my colleagues have better offices at home than you occupy here? How many when you retire from Congress will go back to a better equipped and larger office than you occupy here? I believe we need offices, but I would not expend this eight and a half million-dollar appropriation upon unnecessary buildings when the Government now owes \$18,000,000,000; our people are taxed to pay these appropriations. I can not vote for this kind of an extravagance in view of the fact that you deny appropriations to go where the people back home actually need them. My constituents need Federal buildings, flood relief, river and harbor improvements, and other aid. Why not appropriate where and when needed?

I am willing to get along with the office space now allotted to me if you will just give necessary appropriations to my district and State of Florida, and I will be satisfied if you will do this. It is not the office you sit in that counts, my friends, it is the service you render your constituents and the Nation. [Applause.]

Mr. ELLIOTT. Mr. Speaker and gentlemen of the House of Representatives, I did not understand when I brought in this bill that I was bringing in anything of a political nature. I brought the bill in here because of the insistence of numerous Members of the House of Representatives upon both sides of the aisle who have been camping on my doorstep for the last four years asking that a building bill of this kind be brought in here so that they could vote it through and be enabled to take care of the business of their constituents for which they sent them here. [Applause.]

Now, we had three plans before the committee. One of them was a proposition to build a bird cage in the court of the present building and use up what little air and atmosphere there is in there now. That was about as foolish a proposition as could be conceived in the mind of man. [Laughter and applause.] Another proposition was to take the two ends of these two lots on either side of South Capitol Street and build a building on each one of them, with an archway over that street. The other is the proposition we have before us, which is to take all of that block on the west side of New Jersey Avenue opposite the present House Office Building, which includes the Congress Hall and Potomac Hotels, and erect thereon a modern office building. We concluded while we were at it that the proper thing to do was to take the remainder of the other lot west of South Capitol Street and have it for future use of the Government and keep anything else from getting in there.

It is necessary to take over the whole block and build a building covering the entire block if you want a building worth while. The committee has looked over this proposition and has come to the conclusion that that is the only feasible proposition that we have before us.

Now, so far as the value of these lots are concerned, it has been said that they are assessed for taxation at approximately \$545,000. That is true, but it is not necessarily true that that is all that they are worth. You may go almost anywhere in the United States, look at the assessed value of a piece of property, and if you are able to buy it for less than twice the assessed value you can do better than I have ever been able to do, and it makes no difference whether it is in the District of Columbia or in any other part of the country.

There are on this lot two valuable hotels—one Congress Hall and the other the Potomac Hotel. These are paying businesses and have been for years, and if we take them over we had just as well make up our minds that we will have to pay for them. So far as I am individually concerned I have no interest in this bill, except to do my duty as chairman of the Committee on Public Buildings and Grounds.

After I heard all of these Members complain about the conditions they were working under, I made it my business to make a friendly call on a large number of Representatives to see under what conditions they are working. In almost every office I found at least two clerks with their typewriters clicking, three office desks, a lavatory, many times a number of constituents

all trying to talk to their Congressman about various matters vital to them, and many times I have noticed that the Member had to take a constituent out in the corridor to talk about matters which were more or less private.

I assert that there is not any lawyer in the country who could begin to transact his business under the conditions that you find over there in the House Office Building. This is all I care to say. Gentlemen, this is your business, not mine.

Mr. CONNERY. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. CONNERY. The gentleman from Tennessee [Mr. ESICK] said the cost of this building would be \$500,000 more than was provided in the previous bill.

Mr. ELLIOTT. This bill authorizes \$100,000 more for the purchase of the land than the bill did that we passed heretofore, and \$1,000,000 more for the construction of the building. This is the authorization, it is not the appropriation.

Mr. CONNERY. Will the gentleman make clear just why this million dollars is to be expended for the construction of the building?

Mr. ELLIOTT. I am not positive that it will be expended, but that is a matter that will be in the hands of the House Office Building Commission, and they will ascertain the amount necessary to construct a building sufficient to provide the facilities that the Members want and ask for appropriations accordingly within the limits of cost fixed in this bill.

Mr. CONNERY. I am in favor of the bill, but I wanted to find out why they need that extra million dollars.

Mr. ELLIOTT. They may possibly not need it at all.

Mr. DALLINGER. I understand that this public building commission consists of the gentleman as chairman of the committee?

Mr. ELLIOTT. Oh, no; I am not a member of that commission.

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules and pass the bill as amended.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 195, noes 32.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The SPEAKER. The count, just announced by the Chair, shows that a quorum is present.

Mr. BLANTON. Then, Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Those in favor of taking the vote by the yeas and nays will rise and stand until counted. [After counting.] Twenty-one Members have risen, not a sufficient number, and the yeas and nays are refused.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PORTO RICAN HURRICANE RELIEF

Mr. DAVILA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the relief of Porto Rico.

The SPEAKER. Is there objection?

There was no objection.

Mr. DAVILA. Mr. Speaker, I will briefly state that this legislative measure is the result of a personal investigation made by the chairman of the Committee on Insular Affairs of both House and Senate of the effects of the terrific hurricane which swept the island of Porto Rico last September. Although we tried to meet the situation to the best of our ability and in accordance with our resources, we have practically exhausted all our means and unless this legislation is enacted into law our farmers and laborers will face the most difficult situation that ever confronted them. If this bill is enacted into law, we will start immediately the work of rehabilitation and reconstruction in the coffee districts and will give employment to the thousands of destitute laborers who are craving for work. This is an emergency measure and as such should receive the immediate consideration of Congress. Delay in its enactment will only increase the gravity of the situation.

The population of Porto Rico is 1,500,000, being 430 per square mile, of which 70 per cent is rural, who must depend entirely upon agriculture for a livelihood.

The cyclone of September 13 brought such havoc to growing crops and agriculture that farmers do not have nor can they procure financial resources to rebuild and rehabilitate their devastated farms. Many thousands of peons are absolutely dependent upon labor on farms to care for their families, and unless landowners can procure funds to employ labor the resulting condition will be one of continuing hunger and want.

At one time, after the hurricane, the American Red Cross was giving food to 512,000 persons, and at the present time that

organization is supplying food and clothing to 127,000 homeless persons.

The insular government is unable to procure the needed funds, because her borrowing capacity has been almost exhausted.

The commercial banks of Porto Rico are doing everything they can, and have borrowed from correspondent banks in the States because of insufficiency of their own deposits and capital to meet financial requirements of the island. Bills payable of commercial banks now amount to \$11,000,000. It is evident that these financial institutions can not extend the long-time loans necessary to rehabilitate agriculture and furnish employment to labor.

With the population pressing upon means of subsistence and increasing at the rate of 25,000 per year, the problems of Porto Rico become each year more complicated and of greater magnitude. Those problems should be recognized as of national importance, because underlying them all is the question of human need. The resources of Porto Rico are insufficient to solve her pressing and growing problems.

The problem of overpopulation is of paramount importance to the people of Porto Rico. The Porto Rican peasant is living to-day in the same condition he lived 30 years ago before the American occupation. Porto Rico is an agricultural country. We have no industries to meet the exigencies of labor. It is true that there are three States in the Union, namely, Massachusetts, New Jersey, and Rhode Island, with a population exceeding that of Porto Rico, but these are industrial States, where laborers not only have the opportunity of employment, but derive reasonable and high wages. The problem of Porto Rico can not be solved until the standard of the peasant is raised, and this can not be done without a thorough study of their condition and the expenditure of large amounts of money. In this connection, I want to insert the following paragraphs from a recent editorial which appeared in the Porto Rico Progress, published in San Juan:

In a few weeks Porto Rico will ask aid of Congress to help it recover from its hurricane damage.

If Congress is to consider only the conditions resulting from the hurricane it should waste no time whatever in considering legislation for the island.

Money will do no good—any number of millions—unless Congress realizes that Porto Rico is a social and economic problem that for the past 30 years has been solely a problem for the United States, and a problem that for 30 years has been deliberately avoided or neglected.

If the United States holds Porto Rico as a duty, as the President says, what is the duty of the United States to her fellow American citizens here? How badly does the President want to preserve the high standards of living in the United States and how badly does he want those standards attained and maintained in Porto Rico?

Millions of money may be appropriated for Porto Rico with scarcely more effort than that required to make the President's speech. If appropriated, every cent will be wasted, and worse than wasted, unless basic facts and conditions are studied and understood and a broad general plan developed for the physical, social, and economic rehabilitation of the largest group of American citizens anywhere outside of continental United States; rehabilitation required not because of a chance hurricane, but because of generations of malnutrition, disease, ignorance, and neglect.

The above paragraphs, written by Mr. Harwood Hull, a continental American, are not quoted by me in a sense of criticism. It is merely to call the attention of the Congress to the most vital and serious problem of Porto Rico. We are not unmindful of the benefits we have received from the American people. We deeply appreciate everything that has been done under the distressing circumstances caused by the hurricane. The approval of this resolution will undoubtedly be a great help to the Porto Rican farmers and to the laborers themselves; but let us not forget that we can not escape the responsibility of facing some day this problem of overpopulation and unemployment which constitutes in itself as great a calamity as the recent hurricane.

TREASURY AND POST OFFICE APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I present a conference report upon the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, for printing under the rules.

AIR CORPS PROMOTION LIST

Mr. JAMES. Mr. Speaker, I move to suspend the rules and pass Senate bill 3269, to provide for the advancement on the retired list of certain officers of the Army, to increase the efficiency of the Air Corps and of the Army, and for other pur-

poses, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War shall cause to be prepared an Air Corps promotion list on which shall be placed the names of all officers of the Air Corps of the Regular Army below the grade of colonel. The names on this list shall be arranged in the same relative order that they now have on the Army promotion list and shall be removed from the Army promotion list, and no officer whose name appears on the original Air Corps promotion list shall be considered as having less commissioned service than any officer whose name is below his on this list. All officers commissioned in the Air Corps after the formation of the original Air Corps promotion list shall be placed thereon in accord with length of commissioned service. Any officer whose position on the Air Corps promotion list is changed by sentence of a general court-martial or by law shall be deemed to have the same commissioned service as the officer next below whom he may be placed by such change.

SEC. 2. Except as herein provided, Air Corps flying officers shall be promoted to the grade of first lieutenant when credited with 3 years' commissioned service; to the grade of captain when credited with 7 years' commissioned service; to the grade of major when credited with 12 years' commissioned service; to the grade of lieutenant colonel when credited with 20 years' commissioned service; to the grade of colonel when credited with 26 years' commissioned service. All flying officers of the Air Corps below the grade of colonel shall be promoted in the order of their standing on the Air Corps promotion list: *Provided*, That the number of Air Corps officers in the grade of colonel shall not be less than 4 per cent nor more than 6 per cent and the number in the grade of lieutenant colonel shall not be less than 5 per cent nor more than 8 per cent of the total number of officers on the Air Corps promotion list, and the aggregate number of Air Corps officers in the grades of colonel, lieutenant colonel, and major shall not be less than 26 per cent nor more than 40 per cent of the total number of officers on the Air Corps promotion list, and in so far as necessary to maintain said minimum percentage, air Corps flying officers of less than the required years of commissioned service shall be promoted to the grades of colonel, lieutenant colonel, and major, and only in so far as their promotion will not cause said maximum percentages to be exceeded shall officers who have completed the prescribed years of commissioned service be promoted to the grades of colonel, lieutenant colonel, and major. Nonflying officers of the Air Corps shall be promoted as provided for other branches of the Army.

SEC. 3. When an officer of the Air Corps has served 30 years either as an officer or soldier, he shall, if he makes application therefor to the President, be retired from active service and placed on the retired list: *Provided*, That, except in time of war, in computing the length of service for retirement, credit shall be given for one and one-half the time heretofore or hereafter actually detailed to duty involving flying, and credit shall also be given for all other time now counted toward retirement in the Army: *Provided further*, That the number of such voluntary retirements annually shall not exceed 6 per cent of the authorized strength of the Air Corps. When a flying officer of the Air Corps reaches the age of 54 years he shall, if he makes application therefor to the President, be retired from active service and placed on the retired list. Officers of the Air Corps who become physically disqualified for the performance of their duties as flying officers shall be eligible for retirement for physical disability.

SEC. 4. An officer of the Air Corps may, upon his own request, be transferred to another branch of the service, and when so transferred shall take rank and grade therein in accordance with his length of commissioned service as computed under existing laws governing the branch to which transferred.

SEC. 5. That hereafter the Chief of Staff of the Army, while holding office as such, shall have the rank and title of general, and shall receive the pay and allowances of a major general, and in addition thereto the personal money allowance prescribed by law for the officer of the Navy serving as Chief of Naval Operations. The Chief of Staff of the Army and the Chief of Naval Operations shall take rank between themselves according to dates of appointment as such.

SEC. 6. That the President is hereby authorized to place on the retired list of the Army as a major general, with the retired pay of that grade, the officer who was the first Chief of Finance of the Army, and who was placed on the retired list as a brigadier general while holding that office.

SEC. 7. That on and after the date of the passage of this act Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired, shall have the rank of lieutenant general on the retired list of the United States Army, and shall receive pay and allowances determined as provided by law for other officers on the retired list.

SEC. 8. All laws or parts of laws in so far as they may be inconsistent herewith or in conflict with the provisions of this act are repealed.

The SPEAKER. Is a second demanded?

Mr. SNELL. Mr. Speaker, I do not desire to demand a second at this time, but I think some one ought to explain the bill.

Mr. BLANTON. Mr. Speaker, I demand a second, if no member of the committee does.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Michigan is entitled to 20 minutes and the gentleman from Texas to 20 minutes.

Mr. JAMES. Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota [Mr. FURLOW].

Mr. FURLOW. Mr. Speaker, the importance of this bill can not be over stressed. It is important because it has to do with promotion and retirement in the Air Corps. This question was gone into very fully during the last session of Congress by the Committee on Military Affairs of the House, and I am pleased to remind you that the Air Corps provisions which we are now considering were embodied in the so-called "Furrow bill" last session and passed by the unanimous vote of the Members of the House.

In order to expedite action on this measure your committee determined that it would make this bill a part of the Senate bill now before us, thereby making it possible for the Air Corps provisions to receive consideration during this session.

The necessity of Air Corps legislation has been brought to my attention very forcibly as the result of a 12,000-mile trip which I have just completed. I visited nearly every Army air field in the United States and had the privilege of meeting the majority of our officers in the Air Corps. My survey convinced me that unless something is done to correct the present situation during this short session of Congress we will find ourselves before another Congress convenes with nothing but the skeleton of our present Air Corps remaining because of resignations.

When Colonel Lindbergh was here at the air conference last week I talked with him about the Air Corps, and he was deeply concerned with its future. He gave me a statement, which appears in his own handwriting and bears his signature.

I want to read it to the Members of the House. It follows:

The Army Air Corps is facing a serious situation in regard to its commissioned personnel due to stagnation in promotion.

At present the average Army Air Corps officer is holding a command far above his rank. His prospects of promotion is discouraging, and the opportunities offered by commercial aviation are far greater than those of his Army life.

Military flying is more hazardous than commercial flying and will become more so as safety appliances are developed which can not be used in combat planes. Also the physical strain on an Army pilot in carrying out military missions is not comparable to that of commercial transportation.

It is of utmost necessity at the present time to take steps toward building up the morale of our Air Corps if we expect to maintain its past standard of efficiency.

Rank commensurate with command is of prime importance. A number of our best officers have already resigned and unless steps are taken to relieve the present situation we will lose many more in the near future.

In my opinion, a separate promotion list will accomplish much in building up an efficient Air Corps in the United States.

CHARLES A. LINDBERGH.

Colonel Lindbergh favors a separate promotion and this is provided for in this bill.

Now, why do we need a separate promotion list for the Air Corps? There are several reasons, and I desire to touch upon them briefly at this time.

On the Army promotion list there is what is known as the World War hump, and owing to the fact that during their training period the Air Corps officers averaged six months in training camp as compared with three months for officers in other branches, we find the younger Air Corps officers at the bottom of the so-called hump. The three months difference in training has been reflected by thousands of files on the promotion list.

With but one-twelfth of the officer personnel of the entire Army represented by the Air Corps, we find that 40 per cent of the casualties of the entire Army officer personnel take place during peace time within the Air Corps. Surely, a vacancy in the Air Corps should be filled by the promotion of an Air Corps officer, and this would be accomplished if we had a separate promotion list.

This Air Corps bill recognizes the degree of hazards of this particular branch of the service, and by its retirement features

it would reward long-time flying service by earlier retirement than provided for under existing laws. This retirement feature is important because it would keep our Air Corps files filled with comparatively young, active fliers all the time, and that is what the greatest per cent of our corps should be.

This bill also recognizes the justice of giving more rapid promotion during the early years of an officer's service and assures him of having rank commensurate with his command.

On the whole, I am convinced that the provisions of this bill, as we have it before us to-day—and it is identical with the original Air Corps bill which passed the House last session—will do much toward increasing efficiency of the Air Corps. I know from observation that something must be done without delay, and I feel confident that by giving our pilots this recognition which they deserve that we will keep the majority of them in the service.

In this trip which I took around the various camps I was surprised and amazed to find World-War pilots still serving as first lieutenants, charged with responsibilities normally given to captains, majors, lieutenant colonels, and even colonels.

Mr. CONNERY. Will the gentleman yield?

Mr. FURLOW. I will.

Mr. CONNERY. Would this be intended for Navy aviators?

Mr. FURLOW. No; the Military Committee is charged with legislation for the Army. Naval aviation legislation must necessarily come from the Naval Committee. I will say, however, in behalf of our naval aviators, that as far as the hazards of training and the hazards of service go, that everything I have said pertaining to Army aviators applies equally to the Navy airmen.

In the Army Air Corps, then, we find the morale low. Why? Because a first lieutenant can not look for anything better than being a captain, or maybe a major, by the time he must retire. What does this bill do? It will make it possible for a second lieutenant to become a first lieutenant in 3 years, a captain in 7 years, a major in 12 years, a lieutenant colonel in 20 years, and a colonel in 26 years. It will give this accelerated promotion to young fliers while they are giving the best years of their lives to the service of their country.

Mr. JAMES. Mr. Speaker, this bill does not apply to non-flyers?

Mr. FURLOW. It does not apply to nonflyers. It is strictly a flying bill.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. BLANTON. Mr. Speaker, the trouble about these bills that come from the Army and Navy is that they are technically drawn by highly technical officers in highly technical language, which practically the entire membership of the Congress in both Houses can not understand.

Mr. JAMES. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I yield. Is not that so?

Mr. JAMES. This bill does not come from the War Department, and there was not a single word about it written from the War Department. It was drawn up by the members of our committee. [Laughter.]

Mr. BLANTON. Then the members of your committee have, under long training, qualified themselves to draw technical bills in the same technical language that the General Staff can direct and that the high naval officers can direct.

Let us see if this is not technically drawn. They have a provision here which says:

The President of the United States is hereby authorized to place on the retired list of the Army as a major general, with the retired pay of that grade, the officer who was the first chief of finance of the Army, and who was placed on the retired list as a brigadier general while holding that office.

Is not that technical? Why do they not name him? Why did the committee leave anyone in doubt as to who he was?

Mr. JAMES. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JAMES. That applies to General Lord.

Mr. BLANTON. Yes. Why not say "General Lord," instead of using that roundabout language?

Mr. JAMES. In similar bills introduced by Mr. BYRNS of Tennessee and Mr. Madden and others they did not recite the name.

Mr. BLANTON. As to most of these provisions that come from the Army and Navy you can not tell what they mean and what effect they will have on the Treasury of the United States. I venture to say that there are not 20 Members out of the total membership of 435 in the House who know what the effect of this bill will be to the Treasury; not over 20. But these bills

come in under suspension of the rules and they are thus passed, when they can not be amended in any particular whatever, under suspension of rules.

My service in the House after 12 years is drawing to a close, and I am going to return to private life. In those 12 years, instead of playing golf, I have worked in my office. Instead of going to social affairs, I have worked in my office. Instead of having a good time, I have worked in my office. For what? I have been trying, so far as one Member can by hard work, to reduce the annual cost, the taxes of our Government, by as much as I could.

I have worked hard in trying to do it. Somebody is going to have to do work of that character hereafter and devote every bit of his time to it, if the expenses of this Government are to be curtailed. They are going to grow all the time. We are branching out. We are giving our naval officers and our Army officers and our executive officers better salaries, offices, and quarters, and we are permitting the chiefs to leave their offices two-thirds of the time, and we give them first and second and third assistants to do their work.

It is now 4.20 o'clock, and I will guarantee, if you will go to the telephone, you will not find 5 per cent of these officers in their offices now.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield right there?

Mr. BLANTON. Yes.

Mr. BRITTEN. I have just come from the telephone after talking with the Judge Advocate General of the Army and his assistants, and they are having a conference just now. [Laughter.]

Mr. BLANTON. Yes; it just so happens at this moment; but to-morrow, any time after 2 o'clock, you will find them all out playing golf.

I was amused at our friend from Michigan [Mr. JAMES], who is hard working and conscientious, and I follow him frequently, but I was amused awhile ago when he told me in all sincerity his belief that we were not raising the salary of General Bullard and General Liggett. He said they would still draw the pay of major general, because, forsooth, in the law now existing there is no pay provided for any officer higher than a major general. He said we do not provide a higher salary for a lieutenant general. He really believes that they will get no increase in pay. But I want to call his attention to the fact that this bill, which came from the Senate and which his committee has amended, provided in the Senate for increased pay for two lieutenant generals, for General Bullard and General Liggett. Whenever you make them lieutenant generals, you will find in the next Congress, just as soon as it meets, when a special session is called in April, instead of taking up farm relief there will be another bill like this brought in to give them the increased pay attached to the rank of lieutenant generals. The members of the committee will say, "Here are two men who are lieutenant generals, retired, in our Army. They should be paid salaries commensurate with the dignity and honor of that position."

There will not be enough men here economizing for the people to stop that bill when it comes up for passage. It will pass with the same alacrity that the bill awhile ago was passed to spend \$900,000 to tear down this splendid Congress Hall Hotel, the Potomac Hotel, the Geodetic Survey Building, and the Public Health Service Building, over here on the block adjoining the Capitol. They will be torn down, splendid buildings of great value and worth, and the taxpayers in my district and in yours will be called upon to pay the bill. You can not stop it. I can not stop this bill from passing, but to be consistent in the attitude I have taken here for 12 years—and I have followed some mighty good men along that line who used to take that position of economy here, I must register my protest. Everything I have learned about looking after bills and trying to stop bad bills and the unnecessary expenditure of money I learned—although I hate to admit it—from three Republicans. Even before I came to Congress I used to watch the RECORD. I learned it from the splendid efforts that your great Republican leader, James R. Mann, of Chicago, used to make upon this floor, and from Martin B. Madden, and from WILL WOOD. When he first came here you did not have a man who worked harder to save everything for the people, but since you Republicans have gotten into power my old friend WILL does not work at it any longer. He brings the appropriations in here and lets them go. But I learned from them. I do not pay any attention to a bill that is not reported out of a committee. It is only bills that are reported out of committees that are dangerous. I have made it a practice for 12 years, as soon as a bill is reported out of a committee and placed on

the calendar, to get it as soon as I can and study it and see what it means to the people of the country. My rule has been this: Can the people get along without it? Is this such a benefit to the people that they will need it and that they themselves would vote for? And if I did not think the people of the country wanted it, without any fear at all of becoming unpopular, I have gotten upon this floor and opposed it. I have made lots of you colleagues mad at me for opposing your bills, but I had nothing against any of you.

I have great regard for every one of you. I think the world and all of each and every one of you. I have considered it one of the splendid prerogatives and privileges of my whole life to have been associated with you for 12 years. It is something I will remember all the days of my life, when I am working just as hard for the people at home in my law office as I have been working for the people of the country in my congressional office. I will think of you frequently. I have not had anything against you personally, and as the years go on you will realize I was working from the standpoint of the people; that I was trying to benefit the country by the points of order I have made and the votes I have cast against such bills as I thought should not be enacted.

I wish it were possible to stop this bill. How do you know that the promotions you are providing for in this bill are salutary and should be made? How do you know that this technical language means what it appears to mean, just from a casual reading of it. You do not know it, and I want to say to my friend, the gentleman from South Carolina [Mr. McSWAIN] that the country looks to him to stop the waste that so often comes from his committee. There is more waste that comes out of his committee than from any other committee of this House, except the Committee on Naval Affairs. There is a great burden placed upon his shoulders. I commend him for sitting around that table and looking into those bills that are sponsored by these high military officers. If he will do that, he will render this country a valuable service and save the country hundreds of millions of dollars.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I am through, but I yield.

Mr. SCHAFER. Your friend does look into those bills very carefully. He burns the midnight oil the same as the gentleman from Texas.

Mr. BLANTON. I know he does, and I commend him for it. It is the friendship we have for one another that lets some go by. His heart is big, and they outtalk him sometimes.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BLANTON. I am through, but I yield.

Mr. BLACK of Texas. In the gentleman's time I would like to call attention to one provision in this bill which it seems to me might be a harmful one. The committee in charge of the bill urges as a reason for the bill that it is desired to keep these Air Service officers in the service, so that they will not go into civil aviation, yet the bill provides that they for retirement purposes shall be credited with one and a half times their actual service, so it is certain that by reason of this time and a half credit many of them will retire much earlier than they would otherwise retire and perhaps go into civil aviation.

Mr. BLANTON. Of course; and we lose them out of the service. In conclusion I want to say this about my good friend and colleague from Texas, EUGENE BLACK: Every man on this floor knows that there is not a more valuable man in this entire Congress, in either House, to the people than EUGENE BLACK [applause], and I am sorry we are going to lose him.

Mr. CHINDELOM. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CHINDELOM. The Republican side with agree with you on that.

Mr. BLANTON. Yes; the Republican side will agree that there is not a man here during the last 12 years who has been more valuable to the people than EUGENE BLACK. I can not understand why the people of a district will let a man like BLACK be defeated. I do not care how efficient the new material is, I can not see for my life how they can afford to lose him. I wish that the people of EUGENE BLACK's district knew him like those of us who have served with him, then some of these days they would send him back. [Applause.]

Mr. JAMES. Mr. Speaker, may I inquire how much time the gentleman from Texas has used?

The SPEAKER. The gentleman from Texas has consumed 14 minutes.

Mr. BLANTON. Mr. Speaker, the gentleman from South Carolina wants some time. I do not know which side the gentleman is on, but if I may I yield him five minutes.

Mr. McSWAIN. Mr. Speaker, I want to say, apropos of the very high compliment that my distinguished friend from Texas

has just paid me, to the effect that there is a responsibility on my shoulders in connection with legislation coming out of the Committee on Military Affairs, that I appreciate it. I am satisfied we all agree with what he said about EUGENE BLACK, and for one I am willing to say that TOM BLANTON has rendered his country good and faithful service during his 12 years in this House.

I want to say to him and through him say to you, my colleagues, as it has become somewhat personal, that I make this fight for economy in the committee, and the suggestion made by the gentleman from California [Mr. BARBOUR] to-day with regard to the requirement that the committee shall have definite specifications and estimates as to costs of construction before they come in and make a report is a fight that I made in the committee two years ago, as the gentleman from Kentucky [Mr. VINSON] remembers, and then made it in this House and on this floor in opposition to a motion to suspend the rules.

I try to go into the matters very carefully, and I want to say that after going into this bill, although my good friend who is in opposition to the bill has yielded me this time, I am in favor of what is known as the Furlow bill, for the benefit of the Air Corps, and I will tell you why. I think I can convince my friends from Texas that it is just and right.

The majority of the flying personnel, the overwhelming majority of the actual flying personnel of the Air Corps, are men who went in from civil life, not from the Regular Army, not from West Point, but went in from civil life during the war emergency and became pilots, like the gentleman from Minnesota [Mr. FURLOW] and his brother, both of whom were aces in the air service at that time. They went in as civilian pilots.

When the Army was increased by 100 per cent in 1920, these civilian fliers were invited to remain in the Army as commissioned officers, and they went in not knowing what place they would occupy on the promotion list. Many of them were up in years. They were, however, due to the arrangement of the promotion list by the War Department, put very low down on the promotion list, and some of them who were first lieutenants are to-day 42, 43, or 45 years old, and unless there is a special promotion list for the Air Corps, every time an Air Corps man goes up in the air and gets killed, his place on the promotion list will be taken by either an infantryman or an artilleryman or a cavalryman or a quartermaster officer.

There is just as much difference between the service of the ordinary Army officer on the ground and that of the Air Corps, as there is between the Army and the Navy. We recognize it is a matter of justice and of fairness that there should be one promotion list for the Navy and another promotion list for the Army generally. Now, there is just as much difference between air and land as there is between land and water, and I submit there is more difference and there is more justice and reason that there should be one promotion list and, you might say, one code of service ethics for men who go into the air, actual fliers, as there is for those who go out to sea and another one for those who stay on the land. That is the inherent logic of the situation, gentlemen. [Applause.]

Mr. CONNERY. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. CONNERY. Does not the gentleman think, on that ground, we ought to have the men in the Navy included in this too?

Mr. McSWAIN. Well, we have got to recognize the situation as it is. We tried to have a separate air department that would include the fliers of both the Army and the Navy but we could not win out on that. We can not take ideal conditions; we can not take things like we would like to have them; we must take them as they are.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. BLANTON. Mr. Speaker, I yield the gentleman the other one minute in order that I may ask him a question.

Mr. McSWAIN. Certainly.

Mr. BLANTON. We have now four departments of government vying with each other trying to have the largest air corps, have we not?

Mr. McSWAIN. Well, we have three anyway, because the Department of Commerce has not any planes. It just promotes aviation on paper. We have three anyway.

Mr. BLANTON. But the Department of Commerce makes the fourth department?

Mr. McSWAIN. Yes; but the fourth department works on paper.

Mr. BLANTON. But if we gave them the money, they would work not on paper but on something else.

Mr. McSWAIN. I have no doubt it would like to have some.

Mr. BLANTON. In the interest of economy and efficiency, why not combine all of them into one separate, effective air force; would not that save the people lots of money?

Mr. McSWAIN. It certainly would; and we fought for that two years ago, but we failed. I am willing to fight with the gentleman and any other and all other Members of the House now to put all defense activities on water, on land, and in the air under one department. [Applause.]

Mr. BRITTEN. Will the gentleman yield to me?

Mr. JAMES. I had rather not.

Mr. BRITTEN. The gentleman has plenty of time.

Mr. JAMES. I prefer not to yield further.

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. JAMES] to suspend the rules and pass the bill.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

HOUSE OFFICE BUILDING APPROPRIATION BILL

Mr. HARE. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. HARE. Mr. Speaker, I appreciate the statements that have been made in support of this bill and the necessity for additional office space, and I realize that there is some necessity for additional office room that Members might be able to discharge the duties in connection with their positions with greater efficiency, but in view of other conditions and circumstances which deserve the attention of Congress at this time, I can not give my support to the proposed bill. For example, I have thousands of people in my district who are suffering from one of the greatest crop failures in history, and through me, their Representative, they are asking that this Government come to their assistance and lend them such aid as will enable them to live and make a crop this coming year.

They are in need—many of them in distress—and I, for one, think that the erection of this building should be postponed and the money used to relieve the distressed conditions in the coastal counties of South Carolina, Georgia, and Florida caused by the excessive rains and storms last September.

Another reason why I shall vote against this bill is that for two years or more I have been trying to secure appropriations sufficient to construct buildings in my district to furnish the people with better mail facilities and to erect a building in which the Federal Government, or its officials, may hold court and have a place to keep the records of the court. As it is, the Federal court has no place of its own to hold court. It is entirely dependent upon the facilities provided for by the county or State. For the past several years the Federal court has convened at the regularly appointed times at Aiken, S. C., and the court has no place for conducting its trials, no place for keeping the records of the court, and no place for accommodating jurors except that provided for by Aiken County. The judges, district attorneys, and others familiar with the conditions have been insisting that better facilities be provided for carrying on the business of the Government in that section, and I have been pleading here for the past three years for an appropriation sufficient to provide these facilities, and they have all been refused. I shall therefore cast my vote in opposition to this bill.

THE HAUGEN OLEOMARGARINE BILL

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks on the bills H. R. 10958 and H. R. 14677.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, the bill H. R. 10958, known as the Haugen oleomargarine bill, is a bill fostered and supported mainly by the National Dairy Union and the Institute of Margarine Manufacturers. It is aimed to destroy by taxing as artificially colored oleomargarine certain vegetable-oil cooking compounds. These products are made of pure nut oils, sold only in 1-pound cartons, plainly labeled as to what they are, and for what they are intended to be used. No one could mistake them for oleomargarine or butter and the United States courts have held as a matter of fact that they are not made in imitation or semblance of butter and hence not subject to the oleomargarine laws. Regardless of this, the bill seeks to make these goods taxable.

I opposed the passage of this bill for reasons hereafter set out and explained.

The amendment is not limited to food products.

The original oleomargarine law adopted in 1886 was designed to prevent the sale of oleomargarine, a new product at that time, as or for butter and set out the test for oleomargarine; that is, that it was any mixture of certain named substances, if—made in imitation or semblance of butter, or when so made calculated or intended to be sold as butter or for butter.

It provided for inspection of factories and made identification positive through branding and stamping provisions. The proposed amendment adds to the number of substances named, for instance, including "fish oils or fats," and sets up a third test which in no way limits the substance to articles made to imitate or resemble butter, or even to food products, but makes the test any mixture of the ingredients named, adding the general terms "fish oils or fats" and "vegetable oils," if—

churned, emulsified, or mixed in cream, milk, water, or other liquid, and containing moisture in excess of 1 per cent.

This provision, absolutely foreign to the intent or purpose of the law, would render liable to tax such articles as soap, cheese, cod-liver oil, and every other combination of the common animal, vegetable, or fish fats, providing only that it contained moisture of more than 1 per cent.

The law itself is objectionable in that it taxes products made yellow by harmless artificial coloration, but not products made yellow by natural ingredients to escape taxation.

The original oleomargarine law (act of August 2, 1886) provided that all oleomargarine should be taxed 2 cents per pound. This was reasonably fair, provided for inspection costs, an additional revenue, and allowed a great industry to grow and prosper. A pure, healthful, attractive food product could be delivered to the consumer at approximately 20 cents per pound. The amendment of May 9, 1902, kept the same tests as the original act, but provided a tax of 10 cents per pound (approximately one-half the value of the product), with the proviso, however, that if it were—

free from artificial coloration that causes it to look like butter of any shade of yellow, said tax shall be one-fourth of 1 cent per pound.

This provision was not aimed to tax, but was meant to destroy any food product of a yellow color made to imitate butter.

The law is avoided, however, by the manufacture and sale annually of millions of pounds of oleomargarine made yellow by the use of natural yellow animal fats and cottonseed oil refined to a dark hue. If the law endeavors to eliminate color, it should eliminate color secured by natural as well as artificial means. The present law allows the big packers who produce, hoard, and monopolize the yellow animal oils to add to their profits the additional 9½ cents per pound levied upon competitors who can not secure the yellow ingredients and are forced to resort to artificial coloration.

The levy of 10 cents per pound upon a 20-cent article is not a tax, but a penalty, and as such is not within the powers of Congress to impose. There is a very grave question as to the constitutionality of any law which in the name of a tax places a levy of 50 per cent on any product or industry. Recent decisions of the United States Supreme Court have repeatedly condemned such attempts.

Among these we find the unsuccessful attempts of Congress to tax out of existence child labor, grain futures, and the manufacture and sale of intoxicating liquor. Your attention is called to the following recent decisions:

Hill v. Wallace, 259 U. S. 44; Trussler v. Crooks, 269 U. S. 475; Bailey v. Drexel Furniture Co., 259 U. S. 20; and Lippe v. Lederer, 259 U. S. 537.

The time when a product or industry may be destroyed by a process called taxation is forever past.

The proposed amendment is an attempt to regulate an industry over which Congress has no control. The regulation of the business of manufacturing entirely within a State is and always has been one of the powers of the States, and is not one of the powers granted to the National Government. Not within the pages or provisions of this act are the words "interstate commerce" used. Yet the title provides, "and regulating the manufacture, sale, importation, and exportation of oleomargarine." Such regulation was never one of the powers granted to Congress and should not now be assumed. Such an attempt was particularly condemned in the decisions cited above.

The amendment is in favor of special interests and detrimental to the public in general. A study of the committee hearings and report discloses that this bill was fostered by one of the most powerful combinations in the United States—the dairy and the packing interests, and directed particularly against healthful products produced entirely from vegetable oils.

I am opposed to using the taxing power of the Government for the destruction of any legitimate industry of our country. I am opposed to adding additional taxes to food products which will further burden the consuming public. I am opposed to increasing the burden upon the public merely because the great dairy interests and packing interests are in combination and demanding the increase of taxes upon certain products that they may the better drive them out of business. This is not the time for further taxing the people for the benefit of special interests. Let us rather include oleomargarine and all similar products when colored by "any ingredients" under a bill prescribing a 2 cents per pound tax, which will accomplish more and in a better way than the proposed Haugen oleomargarine bill. I am for the consumers and the reduction of the cost of living.

GOOD-WILL VOYAGE OF PRESIDENT-ELECT HOOVER A NATIONAL ASSET

Mr. O'CONNOR of Louisiana. Mr. Speaker, the good-will voyage of President-elect Hoover is a national asset. It is more than that. It is an international asset. Those that went in search of the golden fleece brought back with them something more valuable—they brought back knowledge. Jason and his Argonauts cemented ties that advanced civilization, and his fabulous adventures and exploits made for a tradition that enriched the classic literature of the world. But the argosy will be looked upon as a small contribution to the big work of the earth when compared with the wonders that will be colored where they are not created by the great journey of an American master builder of inspiring hopes and splendid aspirations. It will not be long now before the highway linking the Americas will be a realization.

The bill, starting the project that will bind the western nations, will undoubtedly be signed by the President, who sees in it an instrumentality for peace and trade, for it is "by trade that the peace of the earth will be made." The dream began long ago when the illustrious statesman, James G. Blaine, prepared a similar project in the form of a Pan American railroad. The highway which apparently has the indorsement of President Coolidge and President-elect Hoover will be the source of unimaginable wealth. Nations that are now separated will be brought closer together. Along this highway there will be a constant interchange of ideas, as well as interchange of commerce. It has been frequently said that if there had been railroads running north and south as there are to-day, there would have been no Civil War. Good roads make for the peace of the world. Build them. They yield in our own national roads and will yield in this highway far greater results than can be secured by Army or Navy, great and splendid as both are. And with the development that must inevitably flow from this giant road will come in accordance with the law of an expanding commerce, a tremendous growth in our shipping, for it will take ten times the number of "riders to the sea" as now cross the Spanish Main to transport the fabrications which the United States will exchange for the raw products of Central and South America.

This trip, or argosy, must be kept permanently before the minds of the world. How can this be done? By advertising it through the New Orleans International Trade Exhibition in the manner which I will gladly set forth by reprinting a bill introduced by me in hopes of securing such a laudable purpose, for it is, indeed, "a consummation devoutly to be wished." Do not let the vision pass away. Do not let the dream vanish. Follow the gleam. It is the seeds that look with prophetic eye into the future and see the glories of the coming day. It is great, tall, sun-crowned men like Hoover who see the promised land long in advance of their countrymen. A few great souls come out in each generation and march as torch bearers in the vanguard of civilization. Holding aloft the blazing flame, they cry "Onward" to the throng that follow them. They see from afar the land flowing with milk and honey; a land made smiling, contented, and peaceful by good roads and its offspring, prosperity—a land "that lies deep-meadowed, happy, fair with orchard and bowery hollows, crowned with summer sea." Such are the music makers of the world, of whom it is written:

For we in the ages lying, in the buried past of the earth,
Built Nineveh with our sighing and Babel itself with our mirth;
And overthrew them with prophesying to the Old of the New World's
worth,

For each age is a dream that is dying, or one that is coming to birth.

Read this bill "to provide for maintaining, promoting, and advertising the International Trade Exhibition," and which, if enacted into law, will keep alive a memory that has made for the betterment of the Americas:

Whereas the President elect is presently on a journey and mission of good will in order to cement finer, nobler, and more enduring relations

among the peoples of our country and those who live to the south of us in Mexico, Central America, and South America, as well as in the islands of the Gulf and Caribbean Sea, all of whom will feel and reflect the generous motives of a great American who believes that the inhabitants of the Western Hemisphere should dwell in amity, accord, understanding, and fraternal affection; and

Whereas the Monroe doctrine will take on a more comprehensive significance and be seen as a protecting shield in a larger and fuller sense and be accepted with a more appreciative understanding of its continental and democratic purpose as a result of this historic visit; and

Whereas the good will engendered may be secured and made permanent and a greater field of enterprise developed by maintaining an agency already established and recognized by our Government, known as the International Trade Exhibition, a nonprofit domestic corporation formed for the purpose of fostering better trade relations between the people of the United States and of foreign nations by exhibiting fabricated and raw products of the United States and similar products of foreign countries; and

Whereas it is desirable that the magnificent effects of this epochal journey, approved unstintedly and enthusiastically by the people of the United States, should not fade from our view but remain permanently in the minds of our people; and

Whereas it is the sense of Congress that the good-will trip of the President elect be logically sustained and supported and its beneficial results be made permanently productive of closer bonds through advertising it and the New Orleans Trade Exhibition appropriately in the leading newspapers and magazines of the world and in any other manner that the board of directors may deem consistent with this great chapter in our history: Therefore

Be it enacted, etc., That for the purpose of providing the corporation known as the International Trade Exhibition with funds for use in maintaining, promoting, and advertising the permanent trade exposition at New Orleans, La., inaugurated on September 15, 1925, there is hereby authorized to be appropriated a sum not in excess of \$500,000. Such sum when appropriated may be expended for such purposes by the corporation. All expenditures shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the board of directors and signed by the president of such corporation.

FARM RELIEF

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the Record an address I delivered over the radio on the 8th of this month.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD. Mr. Speaker, under leave to extend my remarks in the Record I include an address delivered by me over the radio on December 8, 1928, as follows:

Ladies and gentlemen of the radio audience, during the last decade much has been said about farm relief and yet no real farm relief bill has been passed by Congress, and I very much fear none will be passed in the near future, if ever. Many, many times it has seemed that Congress would surely pass a farm relief bill in just a little while and yet nothing of real value has been done. Farm relief has been talked and promised in season and out of season, in Congress and out of Congress. Especially during campaign years, everywhere and at all times there has been a surfeit of farm relief talk.

In most instances we have heard only words, words, words. Of what value is the promise of a candidate that, if elected, he will work for farm relief? What does any particular candidate or other individual mean when he says he favors farm relief? No one but the candidate knows what he means and in most cases he doesn't know himself.

We are all in favor of farm relief, but each individual favors his or her own particular kind of farm relief. Probably every Member of Congress would, if necessary, honestly make a campaign pledge in favor of farm relief. Practically every bill introduced in Congress can be urged as a measure in behalf of the farmer. A high tariff is praised as a form of farm relief, and its repeal is urged as farm relief.

The antiprohibitionists urge the open barroom as farm relief. They say, "Give us more open barrooms. Sell more corn liquor. Use more corn to make liquor. Increase the price of corn and help the farmer." The words "farm relief" can be made to mean so many things until, because of their indefiniteness, they have practically lost all meaning. For this reason we can not attach any importance to anyone's promise of farm relief until his or her plan of farm relief is fully set forth and explained.

What does farm relief mean? Sunshine is farm relief. Rain is farm relief in dry weather. Moonshine at night is farm relief. I refer to the kind of moonshine that comes down from overhead. Good roads may be classed as farm relief. In fact, almost everything may be classed as farm relief by its advocates.

We have heard farm relief talked on every hand and by everybody and yet no real farm relief has resulted. The farmers have been on tiptoes of expectancy these many years, while farm relief, like a rainbow, is apparently just ahead.

The much talk about farm relief reminds me of the city fellow who bought a farm and went to feed his geese on corn shucks. Some one asked him if the geese ate the shucks and he said, "No; but I left them talking about it." It is time to quit talking about farm relief and pass a farm relief bill which will raise the farmers to the level occupied by other businesses and enterprises. I know there are those who say that the farmer must solve his own problems and that he should expect no help from Congress. I sometimes doubt Congress ever doing anything for him. However, I am convinced that Congress could, if it would, pass a real farm relief act. By real farm relief I mean governmental aid which will enable the farmers to properly organize and by that proper organization to name within reasonable limits the selling price of their farm products.

All the lawmakers from the beginning of time to the present have not enacted and put into operation any such an act, and yet I firmly believe it can be done. Such an act would be passed at once if there were enough people in favor of real farm relief. We have too many who wish to exploit the farmer rather than help him. Too many do not want him to get relief if it interferes in any way with the unconscionable profits that are squeezed from the farmers' products. Too many want farm relief which will furnish more jobs for those who wish to run the farmers' affairs. Too many only want to help the farmer produce more abundantly, but do not want to help him sell to a better advantage. They want to keep the farmer working, not for himself but for the profiteers and speculators. They do not want the farmer to die, but they are not willing to help him live like other folks, if by so doing he deprives them of the alleged right to plunder him.

Practically all the big appropriations made by the States and by Congress are to help the farmer produce, but not to help him sell what he produces. Everybody wants the farmer to toil and produce, but not enough are anxious to help him to sell to a better advantage. Real farm relief would help both the producer and the consumer by elimination of the unnecessary middlemen, the common enemy of both producer and consumer.

Just here let me say that Congress could render a real service to both producer and consumer by passage of an act providing for experimentation in the organization of producers, and consumers' clubs and in the direct sale of farm food products from the producers' to the consumers' clubs. I am thoroughly convinced that there can be worked out a system whereby certain food articles can be sold directly from the producer to the consumer at a less price to the consumer for fresher and better food and at a better price to the producer.

There can also be evolved an extension of the parcel-post system for the handling of large quantities of farm food products, put up in identical packages for delivery directly from producer to consumer, so as to enable the Post Office Department to give a greatly reduced rate for large quantities to be delivered over a specific route at regular intervals of time to a list or club of consumers. These plans, if put into effect, would be real farm relief and also relief for the consumers.

Time will not permit a fuller discussion of these suggestions at this time. I have introduced bills along these lines. I wish to discuss very briefly what to my mind is a good farm-relief plan, in so far as certain basic agricultural commodities are concerned.

There can be no real farm relief in so far as cotton, corn, tobacco, wheat, and so forth, are concerned without price elevation and stabilization, and there can be no effective permanent price elevation and control without an effective control of production. In order to accomplish these results there must be effective organization of the farmers.

The farmers can and will organize if enough inducement is given. If they will only organize, and if they are given sufficient financial assistance, they can control production and thus control within reasonable limits the prices of farm products. Then it occurs to me that a real farm relief bill would provide that the Government render the necessary financial assistance to the farmers of the Nation, provided the farmers organize and properly control their production and marketing.

If the farmers did their part, the Government agency would do its part and good prices for farm products would result. What could be fairer? I have introduced a farm relief bill along this line. It goes into details as to methods for organizing the farmers and the duties of all parties concerned after organization is perfected. In further explanation of my bill, I now repeat what I have heretofore said on several occasions concerning it:

The bill is patterned after the War Finance Corporation act, the first sections being identical with that act except that the bill proposes to create the farmers' finance corporation rather than the War Finance Corporation. This corporation is to be authorized to make loans through the banks of the Nation, much the same as the War Finance Corporation, directly to the producers of basic agricultural commodities. The loans are to bear 4 per cent interest, be made for the full amount of the average price of the commodity for the last 10 years, with the commodity as the sole and only collateral, and without any right on the part of the farmers' finance corporation to collect any amount of the

loan not repaid by the sale of the commodity. Thus the farmer will in effect be receiving as a part of the sale price of his commodity an amount equal to the average price for which he usually sells the commodity, thereby establishing the average price of the commodity as the minimum price of the same.

It takes two to make a contract, and no one could expect a Government-owned corporation to be required by Congress to render so great a benefit to the farmers without them agreeing to do something on their part to make the corporation secure in the loans made. There should be and must be a mutuality of contract, with a good and sufficient consideration flowing and to flow between the farmers, the banks through which they are to get their loans, and the farmers' finance corporation.

Therefore, the bill provides that before any of the loans mentioned are made, farmers planting 75 per cent of the acreage of cotton, for instance, grown in the United States shall have signed and abided by contracts with each other, with their banks, and with the corporation, agreeing and obligating themselves that the cotton advisory council be authorized to control within reasonable limits the acreage planted so as to hold production within reasonable bounds and that the farmer will not sell any of the particular basic commodity without express authority from the advisory council. Briefly stated, by my plan Congress would simply propose to the farmers that if they would by mutual contracts control their production and marketing, then the farmers' finance corporation would by loans enable the farmers to name within reason the selling price of the products of their own toil.

The farmer would be required to hold his product off the market until it could be sold for enough to repay the loan, all charges such as storage, insurance, interest, etc., and such an additional amount to the farmer as would remain from the sale of the commodity at a fair price. The farmer would be able to hold his product, for he could borrow at a very low rate of interest the reasonable value of his product. The farmer would contract to curtail his production, providing his friends decided it best for him to do so, on condition that all farmers make a similar would contract to curtail his production, providing his friends decided it best for him to do so, on condition that all farmers make a similar reduction and provided he received more for the lesser amount produced than he would if he produced without limit. My bill provides simply that the Government make an offer to the farmers to help them solve their great farm problem, provided the farmers contract to control the great overproduction and surplus menace.

All other farm-relief bills are either silent as to the all-important factor of production control or seek through penalties or other equally vicious methods to control production. This plan seeks to control production and marketing by the voluntary act of the farmer entered into as a part and parcel of the farm-relief scheme itself. All other bills dodge to a great extent this vital feature of the surplus-production control. My bill recognizes this as the heart of the farm-relief plan, and deals with it in a way that must be effective if operation is secured under the scheme. There can be no effective farm relief without effective production and marketing control. I repeat what I have said before:

Just as surely as we elevate prices without some sort of control of production, just so surely will the farmers themselves plant more corn and more cotton and more wheat and produce more and bring about the greater production. In other words, any bill which fails to have within it a proper control of production has failure written on its pages.

In conclusion let me say that in my humble judgment my bill would put the control of the farmer's great problem in the hands of his friends, not his enemies; would help the farmer directly and not indirectly; provide a complete solution of the overproduction problem; would enable the farmer within reasonable bounds to name his own price for his commodity; and would put him for the first time on a parity with other enterprises and industries.

Ladies and gentlemen of the radio audience, I thank you. Good night.

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent to have until Wednesday next until 12 o'clock midnight to file a minority report on Senate Joint Resolution 167.

The SPEAKER. The gentleman from New York asks unanimous consent for leave to file a minority report on Senate Joint Resolution 167, up to 12 o'clock midnight on Wednesday. Is there objection?

There was no objection.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

To Mr. BOHN, at the request of Mr. MAPES, indefinitely, on account of illness.

To Mr. PARKS, at the request of Mr. RAGON, indefinitely, on account of illness.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14801) entitled

"An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes."

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 13990. An act to authorize the President to present the distinguished flying cross to Orville Wright and to Wilbur Wright, deceased.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 18, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, December 18, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

A meeting of the subcommittee to consider a bill for the relief of J. F. McMurray (H. R. 10741).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

To provide for the establishment of a commissioned medical service in the United States Veterans' Bureau (H. R. 12627).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

690. A communication from the President of the United States, transmitting deficiency estimate of appropriation for the Treasury Department for the fiscal year 1928, \$606.46, and supplemental estimates for the fiscal year 1929, \$311,500; in all, \$312,106.46 (H. Doc. No. 479); to the Committee on Appropriations and ordered to be printed.

691. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Department of State for the fiscal years 1927 and 1928 amounting to \$6,994.85, and supplemental estimates of appropriations for the fiscal year 1929 amounting to \$795,119.50; in all, \$802,114.35 (H. Doc. No. 480); to the Committee on Appropriations and ordered to be printed.

692. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Middle Creek and Empire Cut in the vicinity of Henning Tract and Mildred Island, San Joaquin County, Calif. (H. Doc. No. 481); to the Committee on Rivers and Harbors and ordered to be printed.

693. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Jekyl and St. Simon Island, Ga., with a view to determining the cause of erosions from said islands, the effects of said erosions on the shoaling of dredged channels leading to Brunswick, and with a view to presenting a plan for the prevention of said erosions; to the Committee on Rivers and Harbors.

694. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Tybee Island, Ga., with a view to determining the cause of the erosions from said island, the effect of said erosions on the shoaling of dredged channels leading to Savannah, and with a view to presenting a plan for the prevention of said erosions; to the Committee on Rivers and Harbors.

695. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Manasquan River and Inlet, N. J. (H. Doc. No. 482); to the Committee on Rivers and Harbors and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 15464) to provide for the retirement of certain employees of the legislative branch of the Government; to the Committee on the Civil Service.

By Mr. WAINWRIGHT: A bill (H. R. 15465) to authorize the erection of a suitable statue of Maj. Gen. George W. Goethals within the Canal Zone; to the Committee on the Library.

By Mr. WINTER: A bill (H. R. 15466) to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land; to the Committee on the Public Lands.

By Mr. FISH: A bill (H. R. 15467) to fix a minimum compensation of certain employees of the United States; to the Committee on the Civil Service.

By Mr. ELLIOTT: A bill (H. R. 15468) to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.; to the Committee on Public Buildings and Grounds.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 15469) to recognize commissioned services as active commissioned service while on the retired list in determining rights of officers of the Regular Army; to the Committee on Military Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 15470) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. KEMP: A bill (H. R. 15471) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. THATCHER: A bill (H. R. 15472) to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion; to the Committee on Military Affairs.

By Mr. BEERS: A bill (H. R. 15473) proposing a location at Buena Vista, Pa., for a summer residence for the President of the United States; to the Committee on Public Buildings and Grounds.

By Mr. SIROVICH: A bill (H. R. 15474) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," and the Welch Act approved May 28, 1928, in amendment thereof; to the Committee on the Civil Service.

By Mr. SMITH: A bill (H. R. 15475) to establish the Grand Teton National Park in the State of Wyoming, to revise the boundary of the Yellowstone National Park in the States of Montana, Wyoming, and Idaho, and for other purposes; to the Committee on the Public Lands.

By Mr. COLTON: Joint resolution (H. J. Res. 356) to authorize the exchange of certain public lands in the State of Utah, and for other purposes; to the Committee on the Public Lands.

By Mr. WILLIAMSON: Joint resolution (H. J. Res. 357) entitling all employees of the United States Government in the District of Columbia to pay for Monday, December 24, 1928, the same as any other holiday; to the Committee on Expenditures in the Executive Departments.

By Mr. WINTER: Joint resolution (H. J. Res. 358) proposing an amendment to the Constitution providing for the apportionment of the Representatives and direct taxes among the several States; to the Committee on the Judiciary.

By Mr. BLAND: Concurrent resolution (H. Con. Res. 46) amending section 6 of the House concurrent resolution establishing the United States Yorktown Sesquicentennial Commission; to the Committee on the Library.

By Mr. FISH: Resolution (H. Res. 266) providing for an investigation into old-age pensions; to the Committee on Rules.

By Mr. GILBERT: Resolution (H. Res. 267) to allow expenses in the investigation of the government of the District of Columbia; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 15476) granting a pension to Sarah V. Sanders; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 15477) granting an increase of pension to Sarah F. McKee; to the Committee on Pensions.

By Mr. BOYLAN: A bill (H. R. 15478) for the relief of John D. O'Connell, first lieutenant, Quartermaster Corps; to the Committee on Military Affairs.

By Mr. BRAND of Ohio: A bill (H. R. 15479) granting an increase of pension to Margaret E. Reid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15480) granting an increase of pension to Mary L. Cleaveland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15481) granting a pension to Ella P. Neeld; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 15482) providing for the examination and survey of the east harbor at Block Island, R. I.; to the Committee on Rivers and Harbors.

By Mr. COCHRAN of Missouri: A bill (H. R. 15483) granting an increase of pension to Mathilda F. McLard; to the Committee on Pensions.

By Mr. DEAL: A bill (H. R. 15484) to extend the benefits of the employees' compensation act of September 7, 1916, to Howard Lewter; to the Committee on Claims.

By Mr. EVANS of California: A bill (H. R. 15485) granting a pension to Ida M. Uline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15486) granting an increase of pension to Eliza A. Stuke; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 15487) granting a pension to Charles Odell; to the Committee on Pensions.

By Mr. FITZPATRICK: A bill (H. R. 15488) granting a pension to William Nussbaum; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 15489) for the relief of Leonard T. Newton, pharmacist mate, first class, United States Navy; to the Committee on Naval Affairs.

By Mr. GIFFORD: A bill (H. R. 15490) granting a pension to Sarah A. Varley; to the Committee on Pensions.

Also, a bill (H. R. 15491) granting an increase of pension to Abbie D. Shaw; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 15492) for the relief of John P. Bushnell; to the Committee on Claims.

By Mr. HALL of North Dakota: A bill (H. R. 15493) for the relief of George W. Posey; to the Committee on Military Affairs.

By Mr. HASTINGS: A bill (H. R. 15494) for the relief of Frank J. Boudinot; to the Committee on Indian Affairs.

By Mr. HOWARD of Oklahoma: A bill (H. R. 15495) granting a pension to John M. Leslie (or Lessley); to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 15496) granting an increase of pension to Sarah A. Woodrun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15497) granting an increase of pension to Margaret Roush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15498) granting a pension to Elizabeth Langery; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 15499) granting a pension to Christine Schmale; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 15500) granting an increase of pension to Carrie A. Kirtland; to the Committee on Invalid Pensions.

By Mr. McLEOD: A bill (H. R. 15501) granting a pension to Phebe A. Hereld; to the Committee on Invalid Pensions.

By Mr. McSWEENEY: A bill (H. R. 15502) granting a pension to Effie Davis; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 15503) granting a pension to Emma C. Fryer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15504) granting an increase of pension to Albert McAllister; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 15505) granting a pension to Emma Magee; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 15506) granting a pension to Elizabeth Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15507) granting a pension to Mattie Beckwith; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 15508) granting a pension to Hulda Marshall; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 15509) granting a pension to Blanche E. Mullen; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 15510) authorizing the promotion on the retired list of the Navy of Stuart L. Johnson, ensign; to the Committee on Naval Affairs.

Also, a bill (H. R. 15511) granting an increase of pension to Margaret C. Donovan; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 15512) granting a pension to Emma R. Daggett; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 15513) granting a pension to Susan Enos; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15514) granting a pension to Emma H. Woolsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15515) granting a pension to Victoria Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15516) granting a pension to Lillie M. Humphreys; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 15517) to provide for the making of an examination and survey of Conduit Road, and for other purposes; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8016. Petition of Lucian Mantell, of 164 East One hundred and twenty-seventh Street, New York, N. Y., transmitting a copy of the American eternal universal peace treaty; to the Committee on Foreign Affairs.

8017. By Mr. BARBOUR: Letter of Visalia Klavern, Ku-Klux Klan, Visalia, Calif., urging passage of Box bill (H. R. 6465), which would place immigration from Mexico upon a quota basis; to the Committee on Immigration and Naturalization.

8018. By Mr. CRAWL: Petition of Los Angeles County Grand Jury for the year 1928, favoring legislation restricting Mexican immigration; to the Committee on Immigration and Naturalization.

8019. Also, petition of Los Angeles Post No. 8, the American Legion, Los Angeles, Calif., favoring legislation providing for additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Military Affairs.

8020. Also, petition of Leonard Wood Post No. 125, the American Legion, Los Angeles, Calif., favoring additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Military Affairs.

8021. By Mr. GARBER: Petition of the letter carriers of the northeastern district of the National Association of Letter Carriers of Oklahoma, urging support of the Dale-Lehlbach bill (S. 1727); to the Committee on the Civil Service.

8022. Also, petition of the letter carriers of the northeastern district of the National Association of Letter Carriers of Oklahoma, urging support of the Mead-La Follette bill (S. 3281, H. R. 9058); to the Committee on the Post Office and Post Roads.

8023. Also, petition of Owen Black, of Lawton, Okla., urging opposition to pending legislation to provide changes in the present promotion list of the Army; to the Committee on Military Affairs.

8024. Also, letter from W. G. Torbis, Oklahoma City, Okla., urging support of House Joint Resolution 303, amending the Hoch-Smith resolution; to the Committee on Interstate and Foreign Commerce.

8025. By Mr. McSWEENEY: Paper in support of House bill 15243, granting a pension to Emmor Burris; to the Committee on Invalid Pensions.

8026. Also, papers in support of House bill 15444, granting a pension to John G. Hall; to the Committee on Invalid Pensions.

8027. By Mr. QUAYLE: Petition of the Society of Colonial Descendants of America, strongly supporting the naval increase bill (H. R. 11526); to the Committee on Naval Affairs.

8028. Also, petition of George N. Murdock, of Chicago, Ill., opposing the passage of the Haugen bill (H. R. 10958) purporting to amend the definition of oleomargarine; to the Committee on Agriculture.

8029. Also, petition of the Cigarmakers International Union, No. 87, of Brooklyn and Queens, opposing the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

8030. Also, petition of Dewey Congressional Medal Men's Association, of San Francisco, Calif., favoring the passage of Senate bill 1265; to the Committee on Pensions.

8031. Also, petition of Union Label Club, of Kings County, Brooklyn, N. Y., opposing the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

8032. Also, petition of Lieutenant Commander Butts, favoring the passage of House bill 11331; to the Committee on Naval Affairs.

8033. Also, petition of the Naturopathic Association of the District of Columbia, in favor of Senate bill 3936, to regulate the practice of the healing art to protect the public health in the District of Columbia; to the Committee on the District of Columbia.

8034. Also, petition of the American Printing House for the Blind, expressing appreciation of the attitude of Congress toward blind pupils in the schools of the United States; to the Committee on Appropriations.

8035. By Mr. SPEAKS: Papers in support of the following pension bills: H. R. 15164, granting an increase of pension to Emma Calb; H. R. 15165, granting an increase of pension to Carrie Brooks; H. R. 15166, granting an increase of pension to Julia O. Allen; H. R. 15167, granting an increase of pension to S. Amanda Clark; H. R. 15168, granting an increase of pension

to Calista Ealy; H. R. 15169, granting an increase of pension to Kate Griffith; H. R. 15170, granting a pension to Maggie Groves; H. R. 15171, granting an increase of pension to Anna Hafey; H. R. 15172, granting an increase of pension to Adella Harper; H. R. 15173, granting an increase of pension to Elizabeth Heise; H. R. 15174, granting an increase of pension to Victoria Huddle; H. R. 15175, granting an increase of pension to Mary E. Jaco; H. R. 15176, granting an increase of pension to Althea S. Jones; H. R. 15177, granting an increase of pension to Carrie Miller; H. R. 15178, granting an increase of pension to Laura C. Monfort; H. R. 15179, granting an increase of pension to Mary E. Ryerson; H. R. 15180, granting an increase of pension to Laura B. Pleukhart; H. R. 15181, granting an increase of pension to Adelphia T. Weaver; H. R. 15182, granting an increase of pension to Sarah A. Williams; and H. R. 15247, granting a pension to Matilda Cranmer; to the Committee on Pensions.

8036. By Mr. SWICK: Petition of Protestant Boys, No. 136, Loyal Orange Lodge, Ellwood City, Pa., urging an immigration quota for Canada and Mexico and increased appropriations for enforcement of existing national-origin section of immigration law; to the Committee on Immigration and Naturalization.

8037. By Mr. WYANT: Evidence in support of House bill 14795, granting a pension to Emma R. Duncan; to the Committee on Invalid Pensions.

8038. Also, papers in support of House bill 14793, granting a pension to Elizabeth Hann; to the Committee on Invalid Pensions.

8039. Also, papers in support of House bill 14796, granting a pension to Celina L. DePriest; to the Committee on Invalid Pensions.

8040. Also, papers in support of House bill 14794, granting a pension to Susan E. Henry; to the Committee on Invalid Pensions.

8041. Also, papers in support of House bill 14797, granting a pension to Mary J. Stendts; to the Committee on Invalid Pensions.

8042. Also, papers in support of House bill 14798, granting a pension to Dora Slonaker; to the Committee on Invalid Pensions.

8043. Also, papers in support of House bill 14799, granting a pension to Mary A. Steiner; to the Committee on Invalid Pensions.

8044. Also, petition of the Pittsburgh Central Labor Union, by W. A. Crissman, president, and P. J. McGrath, secretary, recommending enactment of Senate bill 1727; to the Committee on the Civil Service.

SENATE

TUESDAY, December 18, 1928

(Legislative day of Monday, December 17, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title;

S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits; and

S. 4127. An act to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 3269. An act providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired;

S. 3881. An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park;

S. 4126. An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances; and

S. 4302. An act to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7010. An act to amend the organic act of Porto Rico, approved March 2, 1917;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested;

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested;

H. R. 7452. An act for the erection of a tablet or marker to be placed at some suitable point at Alford's Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart;

H. R. 12897. An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives;

H. R. 13144. An act to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes;

H. R. 13565. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926;

H. R. 13665. An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States;

H. R. 13978. An act to amend section 5 of the act of March 2, 1895, relating to official bonds;

H. R. 14150. An act to amend section 279 of the Judicial Code;

H. R. 14152. An act to authorize the acquisition of two tracts of land required in connection with the coast defense of the Atlantic seaboard; and

H. J. Res. 352. Joint resolution for the relief of Porto Rico.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Simmons
Barkley	Fletcher	La Follette	Smith
Bayard	Frazier	Larrazolo	Smoot
Bingham	George	McKellar	Stock
Black	Gerry	McMaster	Steiwer
Blease	Glass	McNary	Stephens
Borah	Glenn	Moses	Swanson
Brookhart	Goff	Neely	Thomas, Idaho
Broussard	Gould	Nye	Thomas, Okla.
Bruce	Greene	Oddie	Trammell
Burton	Hale	Pine	Tydings
Capper	Harris	Pittman	Vandenberg
Caraway	Harrison	Ransdell	Wagner
Copeland	Hastings	Reed, Mo.	Walsh, Mass.
Couzens	Hawes	Reed, Pa.	Walsh, Mont.
Curtis	Hayden	Robinson, Ind.	Warren
Dale	Heflin	Sackett	Waterman
Deneen	Johnson	Schall	Watson
Dill	Jones	Sheppard	Wheeler
Edge	Kendrick	Shipstead	
Edwards	Keyes	Shortridge	

Mr. SHEPPARD. I desire to announce that my colleague the junior Senator from Texas [Mr. MAYFIELD] is absent on account of illness. This announcement may stand for the day.